PUBLIC WELFARE ADMINISTRATION IN LOUISIANA

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PUBLIC WELFARE ADMINISTRATION IN LOUISIANA

By

ELIZABETH WISNER

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EDITOR'S PREFACE

The interest in the problems presented by the development of our public social services is constantly growing. The relief of destitution and the detention of the insane and the criminal have long been recognized as appropriate public functions; but there are still many unsettled problems connected with the organization and administration of public authorities intrusted with responsibility connected with their care.

On that account, careful studies of the experience in different jurisdictions are of real importance to the student of social reform and of public administration. The relation between the local and central authority, the relation between the public authority and the private agency, the allocation of functions among the different authorities, the possible standards of care as determined by the economic well-being and by the social intelligence of the community, the possible application of sound principles of professional practice to the organization of public service, these are some of the questions on which light should be thrown by such inquiries as this of Dr. Wisner's.

The study is one of a series, of which a similar examination of the development in Canada, by Dr. Margaret K. Strong, has been published, and others are in preparation.

Dr. Wisner brings to her work a mature judgment, a wide experience in social service research, and an intimate knowledge of Louisiana, which presents many problems of special interest besides being the heir to a peculiarly rich and varied inheritance.

SOPHONISBA P. BRECKINRIDGE

THE UNIVERSITY OF CHICAGO

AUTHOR'S PREFACE

With the increasing interest in all phases of public social work in the South, a historical examination of what has grown up in one rather unique state such as Louisiana may be useful to students of public welfare, elsewhere. While Virginia, North Carolina, and Alabama have enacted important legislation involving state and county organization of public welfare and while considerable progress has been made in Georgia and Florida, Louisiana remains outside the movement. Because of a special interest in the state and some familiarity with local conditions, I was concerned to find out, historically, what has determined the development, or lack of it, in Louisiana.

However, the growth of state institutions for the care of the sick poor, the insane, and the adult offender proved of such absorbing interest and have played such a major part in the public welfare activities of the state, that the study was confined to these special groups. An intensive examination of provisions for the juvenile delinquent and the feebleminded which were excluded must be made before the picture is complete. And although the study was confined to the institutional development, I hope that it offers a basis for a consideration of the more preventive type of program which must become the responsibility of the local parishes.

In conclusion, I wish to express my gratitude to my mother, Mrs. Mary J. Wisner, for her careful and laborious search through many documents, and my appreciation to Mr. Robert J. Usher, librarian of the Howard Memorial Library; to Dr. Maud Loeber, secretary, Louisiana State Board of Charities and Correction; and to Mr. Robert Glenk, curator of the Louisiana State Museum, and his assistants, for their co-operation in making available to me much interesting and valuable material. Finally, to Dr. Sophonisba P. Breckinridge, Professor of Public Welfare Administration, University of Chicago, I am especially indebted, for without her direction and interest, this study would not have been made.

Tulane University

Elizabeth Wisner

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INTRODUCTION

A study entitled *Public Welfare Administration in Louisiana* devoting as this one does so much space to those problems centering about the general medical care of poor persons probably calls for some explanation. For technically the term "public welfare" has come to include those "wards of the state," the insane, the feeble-minded, the adult delinquent, the dependent and delinquent child, for whom specialized services have developed and over whom the state exercises a measure of compulsion. Aside from contagious and epidemic diseases which involve regulations and those police powers of the state exercised through the state and local boards of health, and specialized care for tuberculous patients, the general medical and surgical care of indigent persons has in the past generally been the function of the local unit of government. A comparatively recent movement toward the state university hospital organized for research and teaching, as well as state-wide service to the sick of the state, is of interest but has no bearing on the origin and development which has governed the "state" or "charity" hospitals, as they are still called in Louisiana.

However, the large proportion of the appropriation annually made by the Louisiana legislature for the public welfare institutions of the state which goes toward the hospital care of the sick poor is of such historical and functional significance that a consideration of this group occupies an important place in this volume. For instance, out of the total appropriation made for the year 1928–29, namely, $2,940,466.32, 43 per cent, or $1,288,093.80, goes for the support of the two general hospitals maintained in New Orleans and Shreveport. The next largest item, $1,097,955.00, is for the maintenance of the two institutions for the insane. The remainder, namely, $554,417.52, must provide for the support of the soldiers' home, the two industrial institutes for boys and girls, the two state schools for the deaf and dumb and the blind, and the state colony for the feeble-minded. An additional sum of $150,000.00 was appropriated for the State Penitentiary.

In addition to state provision for the sick poor, this study attempts to set forth the problems of those two specialized groups which first emerged from the great undifferentiated mass of destitution and misery, namely, the insane and the adult delinquent. Other state institutions for the deaf and dumb and blind, the juvenile delinquent, and the feeble-minded have followed, but rather tardily. Historically, they are of less interest and as their present standards of care add nothing to the general knowledge regarding these groups, a detailed account of their development and relation to the public welfare institutions of the state is not presented.

The evolution of state provision for these various groups in Louisiana is necessarily determined by the origin and growth of its government, and the problems presented. A country that underwent six changes of government in less than a hundred years and alternately lived under the laws, languages, and customs of France, Spain, and the United States offers much that is of interest and contrast in its institutions.[1] The conflict between a Latin and an Anglo-American people, and the very slow amalgamation of the French, Spanish, and American elements in the population after the territory became one of the states of the Union, bears re-examination in the light of the present interest in public welfare problems of the state. In the development of its legal system Louisiana still remains unique among the states; and, while the gradual encroachment of the common law upon the older established civil law has become somewhat of an academic question, the conflict between the two was once of vital interest.[2]

[1] Governed directly by the French crown from the early exploration by Iberville in 1698.

1712: Granted by the crown to Antoine Crozat.
1717: Transferred to Campagnie de l'occident.
1731: Ceded back to the French government.
1763: Passed to Spain.
1801: Returned to France.
1803: Purchased by the United States government and admitted as a state in 1812.

[2] Louisiana alone of the states carved from the Louisiana Purchase preserves the French law. In Texas a few anomalies of procedure are left, while in California only the institution of community property remains to tell us that the Spanish law once obtained jurisdiction. It is a curious fact remembered only by historians that the Custom

In attempting to set forth problems of the sick poor, the insane, and the adult offender, for a period of 125 years, 1803–1928, and to give a detailed account of the institutions arising to care for them, the difficulties of presentation have been recognized. An effort has been made to break the long historical account into an early period, followed by emphasis upon the problems arising during, and resulting from, the Civil War, and the difficult days of Reconstruction lasting until 1877, and, finally, a discussion of modern provisions and standards, bringing the description down through 1928.

While any peculiar provisions for the slave, and later the negro population, have been given, no special discussion of the type and extent of service for this group has been attempted, although such a study might be pertinent to any southern state. Negro patients have always been eligible for treatment in the Charity Hospital and the institutions for the insane, and of course the state penitentiary has confined the negro offender with the white. Also the state colony for the feeble-minded has accepted the negro. However, there has been no provision for the deaf and dumb, the blind, or the delinquent youth until a state school for the blind was provided in 1920 and in 1928 an industrial school for colored youths.

Louisiana has long been known to the student of history as rich in historical material, in spite of the loss of important papers relating to the Spanish occupation, many of which were carried off to Spain, and the further loss of public documents through the occupation of the capital at Baton Rouge during the Civil War, some of which were traced to the state of Wisconsin and recovered. The continued neglect of the state to appropriate sufficient funds for the preservation of its archives has in recent years been partially met by private munificence under which the archivist of the Louisiana Historical Society has undertaken a very important piece of work in the translation of the French and Spanish judicial records of colonial Louisiana. The documents of the French Superior Council down to the year 1743, and the Spanish judicial papers through 1776 have appeared in the *Louisiana Historical Quarterly* and offer new

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of Paris was in force in Michigan and Wisconsin down to 1810 when it was formally abolished in Michigan, at least by the state legislature. See Roscoe Pound, *French Law in the United States;* also Charles F. Beach, *The Civil Law in America.*

and valuable material to the student interested in this period. The translation and publication of other important papers, letters, diaries, and public and private documents by the society continue to furnish additional material for any investigator concerned with a Louisiana subject.

For its historical background this study has largely drawn upon the foregoing publications, the Claiborne papers, early codes, judicial decisions, state and federal statutes, House and Senate *Journals,* and city ordinances. Since no one of the institutions had on file a complete set of reports, considerable difficulty was encountered in collecting the necessary material. The New Orleans Charity Hospital and the Jackson Hospital had available the most continuous records, but there were many gaps, and particularly during the period of the Civil War were reports lacking. Accurate and continuous accounting to the public on the part of boards and state institutions is not only a statutory requirement, but so essential to public understanding of these important problems that the failure by the Louisiana Penitentiary to publish any report since 1916 is particularly striking.

Furthermore, the local libraries have failed consistently to collect and catalogue public documents. While certain reports that could not be found elsewhere were located in the New Orleans Public Library, none of the public documents is catalogued, so that it is difficult to consult them. The state library confines its collection to legal reports and statutes and only a few reports were found, and these also were not catalogued. The Howard Memorial Library in New Orleans proved the most useful source for material and the majority of reports, pamphlets, and other documents consulted were located there. This library houses many thousands of additional documents piled in its basement which are unknown and uncatalogued, and which may yield valuable material to the future student of social problems. A few documents were consulted in the Library of the State University at Baton Rouge and one private library, the Thompson Collection, was found to contain certain reports not located elsewhere. Special reference should be made to the constant use of reports contained in House and Senate *Journals*. While it was necessary to piece out information regarding the history of the state

institutions from these sources, it is hoped that such use of the material has also revealed the way in which the legislative body works when faced with welfare problems, since this has been one of the major interests of the study.

Inasmuch as it has been the purpose of this study to give a detailed historical account of the charity hospitals, the institutions for the insane, and the state penitentiary, the very important problem of juvenile court procedure and institutional treatment for the juvenile delinquent has been necessarily excluded. It is hoped that this problem along with the question of adequate care for the feebleminded will receive attention. Probably more important to the present development of public welfare in Louisiana is the whole question of local machinery for the organization of the various social services of the parish and municipalities. If this study which has only touched upon the historical aspects of the poor law system could be followed by an examination of the operations of the police jury, the local juvenile court, the parish jail, and other services of a local nature, in certain selected parishes, valuable information basic to the enactment of new legislation urgently needed should be the result.

CHAPTER I

EARLY GOVERNMENTAL INSTITUTIONS

The numerous accounts of the inhabitants of Louisiana at the time of the Louisiana Purchase give an idea of the heterogeneity of the population.[1] The early French and Spanish settlers were followed by other immigrations of interest. In 1764–65 the Acadian families, banished from Nova Scotia by the English, came to Louisiana and were granted lands where their descendants still reside, making up the French parishes and forming the *Cajin* element in the present population. A German emigration to Louisiana from 1718 to 1817, lasting almost a century, contributed a new element to the population. Due to the hardships endured by the *émigrées* during their long voyages from Europe, it is estimated that out of more than 6,000 Germans who left Europe to settle in Louisiana, not more than 2,000 persons ever reached the shores of the colony. They settled the parishes of St. Charles and of St. John the Baptist, known as the German Coast. Some of them intermarried with Acadian families and others scattered throughout the parishes of Assumption, Ascension, and Iberville, as far up the Mississippi as Donaldsonville.[2]

A considerable number of English persons and Americans were added to the population of New Orleans. In 1806 a census of the population gives a total of 52,998 inhabitants. Of the white popula-

[1] For a "Description of Louisiana," a "Digest of the Laws," a "Census of the Territory of 1803," and the "Remonstrance of the People of Lousiana, December 31, 1804," see *Annals of Congress,* VIII, Congress 2, Session 1804–5 (Appendix), 1498–1575 and 1598–1619.

[2] For a history of German emigration to Louisiana, see J. Hanno Deiler, *Settlement of the German Coast of Louisiana and the Creoles of German Descent.* In *Das Redemptione System in Staate,* p. 14, by the same author, an account of three Dutch vessels which came from Amsterdam in 1817 states that there were 1,150 Germans on board destined for New Orleans. They arrived at the mouth of the Mississippi after a voyage of five months with only 597 passengers alive, the other 503 having died at sea from starvation and sickness; others in their fever and utter despair having jumped overboard.

tion, numbering 26,069, 13,500 were native Louisianians, descendents of the French; about 3,500 natives of the United States; and the remainder European, including native French, Spaniards, English, German, and Irish.[3] In addition to these varied elements, it must be remembered that slavery gave Louisiana half her population, and of the 52,998 persons enumerated in 1806, 23,574 were slaves and 3,355 free men of color. Each census enumeration up to 1900 gave the negro population of the state as 50 per cent and over:[4]

Year	Negro	Percentage of Total Population	White	Total
1810	42,245	55.2	34,311	76,556
1820	79,540	51.8	73,867	153,407
1830	126,298	68.5	89:441	215,739
1840	193,954	55.	158,457	352,411
1850	262,271	50.7	255,491	517,762
1860	350,373	49.5	357,456	707,829
1870	364,210	50.1	362,065	726,275
1880	483,655	51.5	454,954	938,609
1890	559,193	50.	558,395	1,117,588
1900	650,804	47.1	729,612	1,380,416
1910	713,874	43.1	941,086	1,654,960
1920	700,257	38.9	1,096,611*	1,796,868

* *Fourteenth Census of the United States* (1920), III, 388.

The official position of the Catholic church in Louisiana prior to 1803 should be mentioned. Laws governing the Catholic faith were set forth in considerable detail in the Spanish code, *Las Siete Partidas,* and although such laws were abrogated when the territorial government took possession, the majority of the population very naturally remained Catholic. Undoubtedly the later attitude of the state toward those problems relative to the poor and the sick was colored by that traditional reliance upon the ecclesiastical authorities for the care of these groups which is more marked in Catholic than in Protestant countries.

As a refuge for political exiles from Europe and other colonies, New Orleans played its rôle along with other states of the Union. In 1809 a flood of French refugees, victims of the St. Domingo revolution and of the difficulties between Spain and France, arrived in New Orleans from St. Domingo, Cuba, Jamaica, and Guadeloupe. From about May 10 to August 19 there arrived at the port of New

[3] W. C. C. Claiborne, *Official Letter Books,* IV, 361.

[4] United States Bureau of the Census, *Negro Population in the United States, 1790–1915,* chaps. iii and iv.

Orleans, 65 vessels with exiles from Cuba: 48 from Santiago, 16 from Baracoa, and 1 from Havana. The total number of immigrants up to August 7 was 6,060, of whom 1,887 were whites, 2,060 free colored, and 2,113 slaves. Between the 7th and 19th there arrived about 1,484 more, of whom at least 884 were slaves.[5] Governor Claiborne in a communication to William Savage, commercial agent of the United States island of Jamaica, dated November 10, 1809, warned against further emigration as the city of New Orleans and its environs were already crowded beyond the resources of the community.[6]

Political and juridical conflicts furnish another sidelight on this period. That the French, Spanish, and Americans found it difficult to organize and act as a political unit is evidenced by many documents. The Custom of Paris, extended to the colony in 1712 and administered by a body called the Superior Council, a working court of from five to seven members, was by the Edict[7] of O'Reilly, the Spanish governor who took possession in 1769, completely abrogated, with the exception of the Black Code enacted by Louis XV in 1724. The official language of the people was suppressed and Spanish established in its place.

The government of Louisiana was vested in the governor and his administrative corps. Alongside the provincial government there was created by O'Reilly that interesting municipal institution called the Cabildo, a form of local government originating in Spain and extended by her to the larger communities of her colonies. The governor and six regidors, or councilors appointed by the governor, presided over the body, and the latter were entitled to divide among themselves all the important offices of the city. The *alferes royal* was the keeper of the royal ensign, the *alcalde mayor provincial* served mainly as the chief of police, the *alguazil mayor* was the sheriff, the depository general may be likened to the city treasurer, and the receiver of fines, what his title indicates. In addition, a

[5] Luis M. Perez, "French Refugees to New Orleans in 1809," *Publications of the Southern History Association,* IX (1905), 293–95.

[6] Claiborne, *op. cit.*, V, 3.

[7] Proclamation to the people from Don Alexandre O'Reilly dated November 25, 1769. See *Laws of Las Siete Partidas* (translated by Moreau-Lislet and Carleton), Vol. I, p. xx.

mayordomo in proprios served as a combination of mayor, commissioner of public works, and comptroller, while the *escribana* held office as clerk of the Cabildo. Practically all public offices were purchased and proved very remunerative.[8]

The Cabildo served both as a quasi-administrative body managing the affairs of the city of New Orleans and also in a judicial capacity as a court of appeal in civil cases. Two judges elected annually by the Cabildo called *alcades ordinary,* together with the *syndic procurator general,* made up the judicial system proper. The latter was a very important officer, serving not only as the king's attorney but as an officer peculiar to the civil law. He did not always prosecute but after conviction often indicated the crime prescribed by the law which might be mitigated by the court. Like the chancellor in the English system, he was curator and protector of orphans and finally expounder of the law, defender of the privileges belonging to the colony, and the accuser of every public officer that infringed upon them. The judges had cognizance of all matters either civil or criminal within their territorial jurisdiction. This extended over the city and its outlying territory with the exception of those matters falling under the jurisdiction of the ecclesiastical, military, or special courts. Outside of New Orleans, justice was supposedly administered by the local commandants with an appeal either to the governor or the Cabildo, and in most cases to the former.

An appeal in cases in excess of ninety thousand maravides ($330.08) might be taken to the Auciendia, or court of appeals, established at Havana in 1781. From this a further review might be had before the Council of Indies in Madrid. It is interesting that the number of lawyers in the territory was small, and that not more than three or four were reported in 1803. Suits were carried on in writing, or *escritos,* and might be drawn by the parties themselves or presented by the *escribano.* A system of fees was prescribed by law which although supposedly not large, were so numerous as to be extremely burdensome. In addition to the costliness of litigation,

[8] For an excellent discussion of the historical aspects of the law of Louisiana, see Henry P. Dart, "Courts and Law in Louisiana," *Louisiana Historical Quarterly,* IV (1921), 255–89.

justice was very slow. In cases of appeal to Havana decisions were often not rendered until after the lapse of several years.[9]

Although the French language and laws were officially abolished during the thirty-seven years of Spanish domination, the inhabitants of the territory remained preponderantly French in their sentiments and attachment to the old country. During the brief transfer to the French in 1801, under the Colonial Prefect Laussat, a municipality was substituted for the Cabildo, a mayor and ten members constituting the body without judicial authority and thus abolishing the only higher judiciary in the colony.

With the cession of Louisiana to the United States the federal government allowed the territorial legislature all freedom in framing its legal system, as long as there was no conflict between local laws and the constitution.[10] Claiborne as the first governor, although clothed by the federal government with administrative, executive, and judicial powers, faced an almost herculean task in shaping an American state out of a French and Spanish system of colonial administration and law.

One of his first acts was an ordinance dated December 28, 1803, establishing a Court of Pleas for the city of New Orleans, thus introducing the type of court familiar to him as a Virginian.[11] In 1805, through the act of the newly appointed Legislative Council, the territory was divided into twelve counties with an inferior court for each.[12] The same year, at the second session of the Court of Council an act was passed "providing for the Superior Going Circuit," which established the superior courts for the counties and also provided for the Court of Probates.[13] The constitution of 1812 restated the important rights of habeas corpus, jury trial in civil cases at the re-

[9] Barbé-Marbois, *History of Louisiana,* p. 338.

[10] An act erecting Louisiana into two territories and providing for the temporary government thereof passed March 26, 1804, by the Eighth Congress, First Session, furnished the basis for local government. See *United States Statutes at Large,* Vol. II, chap. xxxviii. A second act was passed March 2, 1805, at the Second Session of Congress, an act providing for the government of the territory of Orleans. See *ibid.,* Second Session, chap. xxiv.

[11] Claiborne, *op. cit.,* I, 317.

[12] Acts of the Legislative Council of the Territory of Orleans, First Session, p. 144.

[13] *Ibid.,* Second Session, pp. 30, 76.

quest of either party, power of giving bail in all cases not capital, and, finally, trial by jury in all criminal cases, all of which had been conferred in the federal act of 1804. By 1813[14] the Supreme Court of the state was formally instituted. Thus were the Anglo-Saxon common law institutions grafted on those of the older civil law.

But the resulting confusion was great. Lawyers from other states attempted to secure from the courts a decision that the words "civil law" in the Act of Congress meant the civil law of England, thus introducing this general system of law to the exclusion of the Roman civil law. It is interesting that Edward Livingston, who had come to Louisiana from New York less than a year previously, was probably more influential than any other person in his arguments, for the court held with him that the law in force in Louisiana being Roman, Spanish, and French, the words "civil law" in the act should be construed the "civil law of Louisiana" and not of England.[15]

The difference in language between the newly arrived flood of Americans and the *anciens Louisianians* created further misunderstanding and greatly hampered the administration of the courts. French, Spanish, and English interpreters were necessary in the courts. They translated the evidence but not the argument of the counsel. The case was often opened in the English language and then the jurymen who did not understand the counsel were allowed to withdraw. The defense being in French, they were recalled and the indulgence shown to them was extended to their companions who were strangers to the French language. All went together into the jury-room, each contending that the argument he had listened to was conclusive. Finally, they reached some sort of verdict.[16]

Great doubt also existed as to what was the law. As the acts of 1804 and 1805 did not abrogate any laws of the territory, the Span-

[14] *Laws of Louisiana* (1813), p. 18.

[15] In *Jennison* v. *Warmack,* 5 La. 494, the court ruled that the word "civil" is used, not in contradistinction to the word "criminal," but to the law of England and our sister states; and must be restricted as in common parlance to the Roman law and to that of those countries which derive their jurisprudence from it. See also *Waters* v. *Petrovic,* 18 La. 593; *Succession of Franklin,* 7 La. Ann. 395. "The legislative use of common-law terms does not introduce the English practice in relation to them" (*Agnes* v. *Judice,* 3 Mart. O.S. 186), *Abat* v. *Whitman,* 7 Mart. N.S. 164.

[16] François-Xavier Martin, *History of Louisiana,* pp. 744–45.

ish laws as contained in *Las Siete Partidas* remained the only source to which to turn.[17] Very early the court ruled that where the new statutes furnished no guide for decision, recourse must be had to the Spanish laws.[18] In order to make such laws available an act "to authorize and encourage the translation of such parts of the Partidas as are considered to have the freedom of law in this state" was passed in 1819,[19] and Moreau-Lislet and Henry Carleton undertook the task of translation.[20]

In 1808[21] a return to the French source of civil law was brought about through the adoption of the *Civil Code*.[22] Although the *Code Napoleon* (1804) was not actually in hand during the drafting of the *Code,* these lawyers from their knowledge of French substantive law made it largely their model; however, some radical modifications kept it in touch with the Spanish law so recently in force. A revision appeared in 1825 and a later revision in 1870.

[17] In *Beard* v. *Poydras,* 4 Mart. O.S. 368, the court said: "O'Reilly's publication in 1769 of an extract from the whole body of the Spanish law and the subsequent uninterrupted observance of the law has been considered in Louisiana as introducing the Spanish code in all its parts and repealing the former laws."

[18] *Saul* v. *Creditors,* 5 Mart. N.S. 576.

[19] *Louisiana Laws* (1819), p. 44.

[20] See Preface, *Laws of Las Siete Partidas.*

[21] *Louisiana Laws* (1808), p. 120.

[22] While the promulgation of the *Code* was a source of satisfaction to the natives, viewed by Claiborne it appeared an unfortunate compromise. In a communication to Judge J. White, dated October 11, 1808, he wrote: "The code will probably be greatly censured by native Citizens of the United States who reside in the Territory. From principle and habit, they are attached to that system of Jurisprudence, prevailing in the several states under which themselves and their Fathers were reared. For myself I am free to declare the pleasure it would give me to see the Laws of Orleans assimilated to those of the states generally, not only from conviction that such Laws are for the most part wise and just, but the opinion I entertain, that in a Country where a unity of Government and Interests exists, it is highly desirable to introduce throughout the same Laws and Customs. We ought to recollect, however, the peculiar circumstances in which Louisiana is placed, nor ought we to be unmindful of the respect due the sentiments and wishes of the Ancient Louisianians who compose so great a proportion of the population. Educated in the belief of the excellencies of the Civil Law, the Louisianians have hitherto been unwilling to part with them, and while we feel ourselves the forces of habit and prejudice we should not be surprised, at the attachment, which the old Inhabitants manifest for many of their former customs and local Institutions (Claiborne, *op. cit.,* IV, 225).

As to provision for local government, the twelve counties provided in the act of 1805 were abolished as units of government and in 1807 the territory redivided into nineteen parishes based on the earlier ecclesiastical divisions. The police jury, which is analogous to the "county board" or "county commissioners" in other states, was probably an institution existing in the French or Spanish régimes, for its nature and purpose were so well understood that it was not specifically mentioned until the constitution of 1879.[23]

That misunderstanding among the various elements of the population continued is evidenced by the fact that as late as 1836 New Orleans was divided into three distinct *faubourgs,* or municipalities, each with a distinct government and powers.[24] Not until 1856 was the city again consolidated. Differences in the language also continued. The session laws were published in both French and English until 1866–68. Both texts were valid before 1812.[25] As recently as 1913, an act providing for the publication of all judicial and legal advertisements in the English language only was enacted.[26]

[23] See Scroggs, "Parish Government in Louisiana," *Annals,* XLVII, 39–47; also Milledge L. Bonham, "The Louisiana Police Jury," *South Atlantic Quarterly,* XV (1916), 355–60.

[24] *Louisiana Laws* (1836), p. 28.

[25] See *Hudson* v. *Grieve,* 1 Mart. O.S. 143.

[26] *Louisiana Laws* (1913–14), pp. 79–80.

CHAPTER II

THE CIVIL LAW OF FAMILY RELATIONS

Since it is in the law of family relations that the civil law of Louisiana remains unaffected, an analysis of this, together with the more important statutory modifications, has bearing on present-day problems of dependency. In many respects the civil law seemed to embody a more civilized conception of family relations than did the common law.

Although the *Code* of 1808, in setting forth the "Distinction of Persons Established by Nature," stated that women were rendered incapable of various civil engagements and functions, namely, the right to hold the office of magistrate or to be elected as representative of the people,[1] the legal liabilities imposed upon women were minor compared with their lack of status under the English common law.[2]

[1] Book I, Title I, pp. 8–10. However, during and following the World War the civil and political position of women was very much modified, and in 1921 (*Louisiana Laws* [1921], p. 38) an act was passed conferring on them the same right, authority, privilege, communities, and obligation as men possess and are required to perform in elections and appointments to, and holding of, offices, including the civil functions of tutor, under tutor, administrator, executor, arbitrator, notary public, and as a member of the family meetings. In 1928 "an act to emancipate married women from all the disabilities to which as such they are now subject and to empower them in any form or manner permitted by law for any person married or unmarried of either sex to make contracts of all kinds or to assume or stipulate for obligations of all kinds; and to abolish the authority of husbands over married women, in respect to contracts and obligations and to appearance in judicial proceedings; and to provide that nothing herein contained shall modify or affect the laws relating to the matrimonial community of acquets and gain" was introduced in the Senate. For a comparison of the Louisiana law with the so-called Equal Rights Amendment fostered by the Women's party see W. O. Hart, "Rights of Women in Louisiana," *Louisiana Historical Quarterly,* IV (1921), 437–38.

[2] Blackstone in *Commentaries on the Laws of England,* I, 447, points out that under the civil law the husband and wife were considered as two distinct persons capable of separate estates, contracts, debts, and injuries, while regarding the common law; he says: "By marriage the husband and wife are one person in law, that is, the very being or legal existence of the woman is suspended during marriage, or at least is incorporated and consolidated into that of the husband. . . . . The husband is bound to provide his wife with the necessaries by law as much as himself; and if she contract debts for him he is obliged to pay for them, but for anything besides necessaries he is not chargeable."

For the civil law lacked any conception of "coverture," and certainly the provisions for partnership and community property have been more just to the married woman. The community of "acquets and gains" is in a real sense a partnership and exists by the operation of the law and need not be stipulated. However, it may be modified or limited or declared not to exist. The interesting distinctions between *dotal property,* that which the wife brings to the husband to support the expenses of the marriage and which does not become the property of the husband or part of the community, and *paraphernal property,* that which is not declared to be brought in marriage by the wife or given to her in consideration of the marriage, is more pronounced than in the common law.

The woman was originally restricted in regard to her paraphernal property as she could not appear in court even if a public merchant, or alienate her separate property without the consent of her husband. However, she always had recourse to the judge, and various statutes have liberalized the position of women in relation to their property, one of the most important being the act of 1918.[3] This defined the personal capacity of married women to contract and bind and obligate themselves with reference to their separate and paraphernal property and to appear in court, to sue and be sued to the same extent and in the same manner as the femme sole, provided the law should not be construed as affecting the matrimonial community of acquets and gains. Finally, in 1926[4] she stood equal with the exception of the community property which the husband still administers and can sell or mortgage without her consent. Always the half-interest in the community property rather than the one-third of the common law dower and "reasonable part" has been more favorable to the widow.

As to the regulation governing the care, support, and property of the child, there are several provisions peculiar to the civil law. None is so fraught with legal technicalities as that concerning the protection of his property rights. Under the doctrine of guardianship every minor not emancipated is presumably under some tutorship, and there is the further provision for an undertutor whenever

[3] *Louisiana Laws* (1918), p. 435.

[4] *Ibid.* (1926), p. 207.

the interests of the minor are in opposition to that of the tutor.[5] The family meeting[6] is also an interesting feature of the law and has played an important part in protecting and directing the property interests of the child. In regard to the parents' rights to the child's earnings, the law was very specific and did not permit usufruct to extend to any property which the child might acquire by his own labor and industry.[7]

For the support of the child the parents were, of course, obligated by the very act of marriage and such support is termed "alimony," or that which is necessary for the nourishment, lodging, and support of the child, and specifically includes *education.* Whether the latter provision was enforced or enforcible is doubtful until the public school system became universal, and the compulsory school attendance law of 1916 was enacted. Children were, on the other hand, obligated to the support of their parents and other ascendants in need. In regard to the respective rights of the father and mother to the custody of the child, as early as 1812, the court said that although the parental home is the proper residence of the family, with the father as master, and that while his conduct was proper the courts would not interfere with his authority, *the mother is not without her rights.*[8]

But the early *Civil Code* provision which defined the foundling as a child received and brought up by charity quite abrogated the

[5] *Revised Civil Code,* Title VIII, pp. 58–91.

[6] Family meetings in all cases in which they are required by law for the interest of minors or other persons must be composed of at least five relatives or, in default of such, friends. They must not reside at a distance exceeding thirty miles. The appointments are made by the judge and the meeting shall be held before the recorder of the parish, the justice of the peace or the notary public appointed by the judge. A fine of twenty dollars may be imposed on any member for not attending. In 1920 (*Louisiana Laws* [1920], p. 159) an act provided that the family meeting for certain purposes may be dispensed with and instead the judge may summon certain persons for information and investigation. In 1926 (*ibid.* [1926], p. 602) there was a further amendment with regard to undertutors.

[7] *Revised Civil Code,* Title VII, p. 54.

[8] *Bermudez* v. *Bermudez,* 2 Mart. O.S. 180 (1812). The court further said that the rights of the community to superintend the education of its members and to allow what for its own security and welfare it sees good to allow goes beyond the right and authority of the father. This was in 1812 and is interesting to compare with the well-known English case, *Wellesley* v. *Beaufort* (1827), 2 Russell 1.

parents' custody over the child and seems to have been formulated for the convenience of the charitable institutions rather than for the protection of the child. To regain possession the parents must prove that the child was taken from them by force, fraud, or accident, and relatives could not file claim without first obtaining the tutorship of the foundling and furnishing security in a sum sufficient to reimburse the institution for the expenses incurred for the child.[9] Supplementing the latter provision, all acts bestowing paternal or maternal power upon the board of directors of the early orphan asylums specified that such expenses, in case of disagreement between the relatives and the institution, were to be determined by the parish judge.[10]

An act of 1910[11] made the definition regarding foundlings or abandoned children more specific. Proof that the child was taken from the parents by force, fraud, or accident must be filed within six months of the time the foundling was received by the charitable institution. At the expiration of the six months neither the parents nor any other relative shall have any claim to the foundling, except that relatives obtaining tutorship and reimbursing the institution may gain possession. Children left in the care of institutions for a period of three years, whose parents have not made substantial contribution toward their support, unless good cause for non-support is proved, are considered abandoned and all parental rights lost. Further statutory enactments, which were precursors to the modern juvenile court legislation, have extended protection to the child. In 1894[12] power to remove children from the custody of parents or guardians, where the physical or moral welfare of the child was endangered, was given to the judges of the district courts with proceedings to be instituted by the Louisiana Society for the Prevention of Cruelty to Children, and in 1902[13] penalties were provided for the desertion of wives and children, while the first provision for the

[9] *Civil Code* (1808), art. 231. In succession of Dupre 116 La. 1090 (1906) the court ruled that under *Civil Code,* art. 213, parents no longer have any authority over a foundling and for all purposes of adoption of the foundling the situation is as if the parents were dead.

[10] See an act relative to the Asylum for Destitute Orphan Boys, *Louisiana Laws* (1828), pp. 118–20.

[11] *Ibid.* (1910), p. 257.

[12] *Ibid.* (1894), p. 91.

[13] *Ibid.* (1902), p. 42.

juvenile court was not enacted until 1908[14] and the contributing to neglect, dependency, or delinquency act followed in 1918.[15]

On the whole, the civil law was more generous to the illegitimate child than the common law. He was not allowed to remain a bastard if the parents married, for the contract of marriage was sufficient without further formality. The distinction between the illegitimate child born out of marriage but whose father and mother are capable of contracting marriage and the adulterous or incestuous bastard is, however, maintained throughout the law.

The question whether the more definite status of the woman and her child as set forth in codified law has, in fact, offered greater security to them than those provisions contained in the unwritten common law is one of interest. Moreover, whether reliance on such family relationship to care and protect the widow and the dependent child in any respect accounts for the slowness with which the state has acted in providing public services is another question which cannot be answered, but which probably should be kept in mind in the following chapters.

Apprenticeship, which early provided maintenance and a degree of education for the dependent child, was provided in the *Code* of 1808.[16] Occasional records of contracts of apprenticeship appear in the official records of the French Superior Council[17] and later in the Spanish judicial papers, but it is doubtful whether the practice was common then or after Louisiana became a state, except in so far as the orphan asylums used apprenticeship as a means of placing children for care and support outside the institution.

In 1865, a more comprehensive law included a pauper provision which authorized the apprenticing by the mayor or parish judge of

[14] *Ibid.* (1908), p. 96. [15] *Ibid.* (1918), p. 322. [16] Title VI, pp. 41–44.

[17] A record of a contract dated May 7, 1737, and found among the records of the Superior Council reads: "Contract of apprenticeship passed between Sr. Estienne Chabuit, Tailor, and Marie Dandin, widow of Sr. La Roche, previously widow of Sr. Michel Canon, Cashier of the Company of the Indies, said Marie Dandin binding her son, Michel George Canon, to said Chabuit to learn his trade as a tailor, for three years, during which time the widow is to support and nourish him, and that she will not be able to withdraw her son until the expiration of the time agreed upon. Chabuit shall not conceal anything of his trade from him and he will endeavor to make him as perfect in it as is possible." Signed, Marie Dandin, Estienne Chabuit, Lavasseur, Hugault, Henry, Notary. See *Louisiana Historical Quarterly*, IX (1926), 135.

"all persons under eighteen years of age if female, twenty-one if male, who are orphans or whose parents or tutors refuse or have not the means to support them."[18] How generally this provision was used cannot be stated, but a curious clause in the constitution of 1868[19] states that contracts binding out children "entered into under the pretended authority of any government heretofore existing in the state" without the consent of the parents were void, and that future contracts must carry the consent of such parents; this might imply a certain looseness in the practice of apprenticing. The act of 1892,[20] which redefines the juvenile vagrant and provides that the parochial authorities may bind out such children, is the last reference to apprenticeship found.

The history of adoption in Louisiana is exceedingly interesting. The *Partidas* contained ten laws, or sections, governing the condition under which the procedure was legal.[21] As the consent of the child was necessary, no child under seven years could be adopted as his status as an infant implied inability to consent. And no child more than fourteen years, which was the age at which he reached his majority, was eligible. The person adopting must be eighteen years older than the adopted child and the consent of the king, who must cause an investigation of the person adopting, as to his property, his reputation, and also the property and condition of the child's affairs, was required. A written agreement drawn up by a notary public completed the formality. However, another form of adoption was specified to take place before the judge.[22]

In view of these provisions it is interesting that the *Civil Code* of 1808,[23] which drew largely upon French sources, should have declared that adoption was abolished, thereby making Louisiana simi-

[18] *Louisiana Laws* (1865), pp. 28–30.

[19] Art. 130.

[20] *Louisiana Laws* (1892), p. 37.

[21] For a translation see Appendix A, p. 342.

[22] In *Fuselier* v. *Masse,* 4 La. 423 (1832), the court ruled that as by the laws of Spain adoption must take place in one of two ways, by the authority of the king or by the judicial decree on proof of certain facts, an instrument purporting to adopt a party, and passed in 1799 before the commandment of Opelousas as a notarial act, was invalid.

[23] Art. 35.

lar to common law states where statutory enactments have been necessary to make legal what was otherwise repugnant to the common law. And until after the Civil War, adoption was a matter for legislative action and frequently special acts gave sanction to such petitions. In the constitution of 1864[24] permission was given to the legislature to enact general laws regulating adoption and the passage of special acts relating to individual cases was prohibited. That year the legislature enacted its first adoption law.[25]

District courts, with the exception of the First District Court of New Orleans, were given exclusive jurisdiction and the judges were given power to inquire into certain facts regarding the child and the adopting parents, although the execution of the act was referred to a notary public. The usual provision regarding the tutor or tutrix was embodied in the law. A provision that no person having legitimate issue was allowed to adopt any other child was amended in 1867[26] to make such adoption possible if it did not interfere with the rights of the legitimate heirs. The law was further amended the next year, giving the parish courts exclusive jurisdiction and adding the clause that the consent of parents, if living, must be secured.[27] In the revised *Code* of 1870 it was specified that the person adopting must be at least forty years old and at least fifteen years older than the person adopted.

The act of 1872[28] gave Louisiana her present law and made legal adoption without the supervision or consent of the court. The law specifies that

> any person above the age of twenty-one shall have the right, by act to be passed before any parish or notary public, to adopt any child under the age of twenty-one; provided that if such child shall have a parent or parents, or tutor, that the concurrence of such parent or parents or tutor shall be obtained, and as evidence thereof shall be required to sign said act.[29]

[24] Art. 117.

[25] *Louisiana Laws* (1864–65), p. 130.

[26] *Ibid.* (1867), p. 31.

[27] *Ibid.* (1868), p. 77.

[28] *Ibid.* (1872), p. 79.

[29] In *Succession of Vollmer*, 40 La. Ann. 593 (1888), the court said: "An act of adoption executed since act, 1872, No. 31, providing for the manner of adopting children before a notary public by husband and wife with the consent of the widowed mother of the child is valid, though not authorized by judicial sanction."

In 1924[30] the law was re-enacted with the additional provision that, in the case of an abandoned child or foundling, the authorized representative of a charitable institution receiving the child have power to sign the notarial act of adoption. An act of 1928[31] provided that the clerks of court and ex-officio recorders file all acts of adoption in the conveyance records and that for such recording a fee may be charged. Failure to record does not, however, invalidate the adoption.

[30] *Louisiana Laws* (1924), p. 76.

[31] *Acts of the State of Louisiana* (1928), p. 16.

CHAPTER III

EARLY HEALTH PROBLEMS

Since the early struggles of Louisiana are largely to be read in the flow of events which shaped the growth of the city of New Orleans, it is to its history we must turn. Its strategic location at the foot of the Mississippi River and as a great port of entry gave rise to one of the major events in United States history.[1] In the shaping of its own destiny, the location of New Orleans, greatly favoring the recurrence of those "malignant, pestilential, and infectious diseases" which ravaged its population down to the twentieth century, was most important. And as the growing trade brought to the city and state a constantly increasing and fluctuating population,[2] the question of disease and adequate provisions for treatment and control were the major welfare problems which faced the new state. The methods adopted in meeting these throw many sidelights on later action regarding problems of dependency and delinquency.

That there was a scarcity of physicians, at least near the great plantations, is evidenced by an act[3] of 1808 governing the practice

[1] For a discussion of the importance of the Louisiana Purchase to the federal government, see *Annals of Congress,* Seventh Congress, Second Session, cols. 115–19 (February 23, 1803).

[2] The development of New Orleans in population, wealth and commerce during the decade 1830–40 was remarkable. In *Notes on the Economic History of New Orleans, 1803–1836,* by James E. Winston, he says, "Indeed it has been asserted that 'no other city of the world ever advanced with such rapid and gigantic strides as New Orleans' did during this period. Some idea of this progress may be obtained from the fact that an insignificant community of 8,000 inhabitants in 1803 had grown to a city with a population of at least 60,000 by 1836 which number in all probability was considerably augmented during the winter and spring months. . . . . During the year 1836–37, 1,372 steamboats arrived; in this year the freight handled amounted to 401,500 tons, valued at $43,515,402. In other words, by the middle of the third decade of the nineteenth century New Orleans had become the leading export city of the United States and one of the leading ports of the world." *The United States Census of 1850,* p. lii, gives the growth of New Orleans as follows: 1810, 17,242; 1820, 27,176; 1830, 46,310; 1840, 102,193.

[3] *Louisiana Laws* (1808), p. 24. An ordinance regulating the practice of medicine, dated January 19, 1743, was found in the archives of the superior council. See Appendix B, p. 217.

of medicine. This exempted a planter in the country "who upon the application of any of his sick neighbors should procure them some alleviation or adminster them any kind of physick" from the penal provision provided for practicing without a license.

In the year of the cession there were in existence at least three hospitals typical of the time, providing care for various classes of the population, namely, Charity Hospital, the King's Hospital for Soldiers, and the Lazaretto.[4] In Bienville's day there was also a small smallpox hospital, for in the court records mention is found of a fine imposed "available to the smallpox hospital."[5] Charity Hospital remained the refuge for thousands of newcomers stricken in the succeeding epidemics that swept the city, and an account of the facilities provided by this institution will follow. But efforts to provide separate and additional hospital care for the sick stranger proved abortive.[6]

In 1820[7] the legislature, anxious to increase the Mississippi River trade and at the same time provide protection for persons employed in such commerce, authorized the governor to correspond with the executives of the western states and territories relative to the establishment of hospitals at Baton Rouge, Covington, and Natchitoches. The governor of Ohio was the only one to respond and nothing came of the plan.[8] Numerous appeals were made to the

[4] The Hospital San Lazaro was donated to the Ayant Amiento by the well-known Spanish benefactor Don Andres Almonester, and used as a leper hospital until 1805. Later it was abandoned to the Indians who after some years set fire and burned the buildings. The ground remained unused until 1833, when the city council passed an ordinance converting it into a cemetery. See 3 La. Ann. 660 *De Pontalba* v. *the City of New Orleans* (1848).

[5] *Louisiana Historical Quarterly,* Vol. I (1917–18), 97.

[6] In an extract from Isaac Holmes, *An Account of the United States of America Derived from Actual Observation during a Residence of Four Years in That Republic* (London, 1823), chap. vii, pp. 121–38, appears the following advice to emigrants: "If they should arrive at New Orleans in November or July it is probable they will obtain work at high wages, about two dollars per day; and the females, by sewing or washing, may make nearly as much. Whoever goes thither should not remain during the sickly months. By means of the numerous steamboats they can go to a more healthy situation, and fix upon some place as a permanent settlement." See Edith Abbott, *Historical Aspects of the Immigration Problem: Select Documents,* p. 240.

[7] *Louisiana Laws* (1820), p. 126.

[8] *House Journal* (1822), p. 29.

federal government for the establishment of marine hospitals at outlying points. A marine hospital started by the government across the river from New Orleans remained uncompleted for a number of years, and in 1844[9] the legislature urged Congress to appropriate sufficient funds for its completion and operation. By 1853 the maritime trade in the Teche district had so increased that another resolution urged the erection of an additional hospital there for the benefit of the sick seamen.[10] Again in 1858[11] Congress was asked to establish a marine hospital at the town of Berwick in the parish of St. Mary, which would make hospital facilities accessible for those engaged in the Atchafalaya Bay trade. Nothing came of these proposals.

One document states that from 1793 to 1901 New Orleans lost 41,348 inhabitants from yellow fever alone, while Philadelphia, with the next highest death-rate lost 10,038.[12] Although introduced into this country in 1693, it did not become epidemic in Louisiana until 1796. The epidemics of 1847, 1853, 1858, and 1878 were particularly severe; the several cholera epidemics, 1832, 1833, and 1848, among the worst, caused many deaths; and smallpox and ship fever continually took their toll in lives.

Lack of scientific knowledge regarding the cause of yellow fever down to the twentieth century partly justified the recurrence of the disease.[13] But failure on the part of the state legislature to exercise

[9] *Louisiana Laws* (1844), p. 7.

[10] *Ibid.* (1853), p. 125.

[11] *Acts of Louisiana* (1858), p. 31.

[12] Senate Document No. 822, *Yellow Fever,* pp. 131–32. See also United States Treasury Department, United States Marine Hospital Service, *Yellow Fever Bulletin,* March, 1902.

[13] The most probable chief causes of yellow fever remained one of the most controversial questions in medical science for a number of years. The *Annual Report of the Board of Health* for 1860 is one of the many comments on this point: "Two opinions were busily clamorous and seem to divide in about equal numbers, those who were solicitous for legislative aid, the one demanding a rigid non-intercourse with places alleged to be the centres and sources of the pestilence; the other satisfied with the belief of its indigenous character desiring that aid should be given only by way of inaugurating a system of health measures for the city of New Orleans. In the belief of none but the wildest enthusiasts was the resort to quarantine regarded as the sole or specific panacea for the evil, while those who contemplated its assumed causes from a different point of view, discovered in the many unusual circumstances surrounding

its authority in establishing adequate measures of control through quarantine seem inexcusably delayed.

As early as 1818 an elaborate act[14] was passed establishing a Board of Health with extensive powers to regulate the quarantine of the port and sanitation of the city, but the following year the law was repealed and the officers of the Board ordered to turn over all records, papers, and funds to the treasurer of the city. The only measure provided was to the effect that the governor was to issue proclamations at his own discretion.[15] Another attempt was made in 1821 to establish a Board. Ground was set aside for a quarantine station, and an isolation hospital outside the city was proposed along with various other important measures.[16] But in 1823 the merchants of the city formed themselves into a Chamber of Commerce and resolved that the quarantine law and regulations were useless, oppressive, and injurious to the commerce of the city.[17] The following year the act was repealed, and it was left to the city council to make all necessary regulations and to appoint health officers who were *not* to have power to detain vessels from entering the city.[18]

In 1848[19] there was an act to establish a Board of Health for the parish of Orleans, and in 1850 another act establishing a similar measure for the cities of New Orleans and Lafayette.[20] But such legislation proved futile, and in 1853, the city and state suffered the most severe yellow fever epidemic of its history with a loss of more than 8,000 inhabitants. Although the cases appeared in the summer of that year the newspapers denied the truth of the reports and showered abuses upon the heads of those responsible for action

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our city, in the large increase of the European element in our society, in their destitution, vice, and recklessness; in the squalid quarters they crowded; in the influx of innumerable multitudes occasioned by the Mexican war and the subsequent people of California; in the operation of climate, soil, food, and water on this motley crowd, abundant reasons for believing that domestic influence had full share in its causation and aggravation."

[14] *Orleans Laws* (1818), pp. 124–52.

[15] *Ibid.* (1819), pp. 70–73.

[16] "Code of Public Health," *Louisiana Laws* (1821), pp. 68–92.

[17] *House Journal* (1827), p. 25.

[18] *Louisiana Laws* (1824–25), p. 216.

[19] *Ibid.* (1848), p. 110.

[20] *Ibid.* (1850), p. 252.

at such a time.[21] Finally, on August 14, members of the Howard Commission,[22] a volunteer organization, took the responsibility for declaring the state of affairs, epidemic. By August 20 the deaths from yellow fever reached 1,302 for that week.

Finally, in 1855[23] under an act "To Establish Quarantine for the Protection of the State," a State Board of Health was again brought into action. But again in 1878 another devastating yellow fever epidemic swept the state. The amendment of the Board of Health act conferring more power upon the Board was urged, as well as a bill to promote the formation of local Boards throughout the state.[24] The new constitution of that year contained a very general clause providing for "state medicine and quarantine," but not until 1882 was the provision for local Boards enacted.[25] Very different was the foresight of the legislature in 1904, when a resolution regarding the possible introduction of yellow fever into the state of Louisiana from Texas authorized the governor to provide the necessary funds for the protection of the people should such a contingency arise.[26]

Attempts to provide care for contagious and epidemic diseases were, of course, closely tied up with efforts to establish adequate quarantine regulations for the port of New Orleans. The second act[27] attempting to establish a Board of Health in 1821 provided for a small "county hospital" as an adjunct to Charity Hospital to be

[21] E. D. Fenner, *History of Epidemic Yellow Fever at New Orleans, Louisiana, in 1853*, p. 4.

[22] Organized in 1847, they attended 1,700 patients of that year. In 1853 they received funds from New York, Baltimore, Philadelphia, Washington, Savannah, Baton Rouge, and Natchez, in all amounting to $225,000. Four infirmaries for the indigent sick were opened and several thousand patients cared for. See *Diary of a Samaritan* (1860) by a member of the Howard Association of New Orleans.

[23] *Louisiana Laws* (1855), p. 471.

[24] Circular of the Legislative Committee of the Louisiana State Medical Association and of the Board of Health to physicians throughout the state (New Orleans, 1878).

[25] *Louisiana Laws* (1882), pp. 114–15. Several decisions of the federal courts strengthened the position of the Board of Health in its enforcement of quarantine provisions. See *Morgan's Steamship Company* v. *Louisiana Board of Health*, 118 U.S. 445 (1886) and *Compagnie Française, etc.* v. *Board of Health*, 186 U.S. 381 (1902).

[26] *Ibid.* (1904), p. 176.

[27] *Ibid.* (1821), pp. 68–92. An act to provide against the introduction of infectious diseases.

located out of the city for the reception of poor residents of the city. An official announcement that the hospital was ready to care for yellow fever patients of this class destitute of the means of medical and other attendance[28] was made by the Board of Health, but as the act was repealed in 1824 this hoped for provision vanished. Neglect in providing for smallpox patients probably caused the greatest suffering. The small smallpox hospital reported in Bienville's time was probably nonexistent by 1803. For those who could afford to pay, care in private hospitals was rather early available. For instance, the Orleans and Poydras Street Infirmaries and other private institutions especially emphasized in their advertisements provision for strangers who might be assailed by the disease.[29] For the indigent of New Orleans, a city ordinance[30] of 1831 authorized the mayor to send them to a private hospital, and expenditures for their care appear in many of the comptroller's reports.[31] But no state provision existed until 1872.[32] Agitation on the part of the medical profession and of others was not lacking. The *New Orleans Medical and Surgical Journal* of 1849 comments on the situation in the following words:

> They cannot be received into the Charity Hospital and must be consigned to the care of some stupid old nurse far beyond the precincts of decent society and the tender mercies of civilization to suffer, perhaps to die. Again and again the legislature has been petitioned to purchase appropriate accommodations for smallpox and ship fever either originating here or imported among us. Yet totally indifferent to every claim of suffering humanity they have turned a deaf ear. With a trifling expenditure of the people's money, a suitable hospital might have been established in the vicinity of the city.[33]

The act of 1872 finally admitted that in consequence of the many epidemics of smallpox during preceding years an isolation hospital was a necessity for all, provided that all indigent sick should be sent

[28] *Courier,* September 30, 1822.

[29] *New Orleans Directory* (1832), pp. 3–4.

[30] *Ordinances* (New Orleans, 1831), p. 307.

[31] *Comptroller's Report of the City of New Orleans* (1866), p. 65.

[32] *Louisiana Laws* (1872), pp. 107–8. An act to establish a hospital for smallpox and other contagious diseases.

[33] VI, 813.

there. The Luzenberg Hospital, a private institution which had for many years cared for patients with contagious diseases, was taken over for the purpose.[34] However, the act was repealed in 1877[35] and the responsibility placed upon the city of New Orleans.

A more recent public health measure has had to do with the ancient disease of leprosy.[36] In 1894[37] the state board made a somewhat ineffectual attempt to prevent the spread of the disease and to provide for the isolation and treatment of those afflicted by establishing a Board of Control with limited powers for providing contract care until a home could be established. There were at the time ten lepers retained in the New Orleans pesthouse under conditions of great neglect. In 1900[38] the sum of $25,000 was authorized for the purchase of grounds and the erection of a suitable home. Considerable difficulty was encountered by the Board in securing a permanent location. An Indian camp reservation in Iberville parish was finally purchased in 1904, and the institution opened with the Sisters of Charity in charge. In 1912 the number of patients had increased to sixty-three, but the buildings were in need of repairs and the type of care furnished was of doubtful standard.[39] In 1922 the United States Public Health Service assumed all responsibility for the operation of the home, converting it into the National Leprosarium, and thus the state withdrew from the care of this group.

[34] See *State of Louisiana, A. P. Field, Attorney General, and J. J. Hayes,* v. *City of New Orleans et al.,* 27 La. Ann. 521. The city of New Orleans was enjoined from sending any indigent person sick with smallpox or other contagious diseases to any other hospital.

[35] *Louisiana Laws* (1877), p. 21. An act to repeal act No. 60 of the session of 1872 entitled "An Act To Establish a Hospital for Smallpox and Other Contagious Diseases, etc."

[36] Dr. Isadore Dyer, who was most active in getting the matter before the legislature, gives a short account of his efforts in a pamphlet entitled *The History of the Louisiana Leper Home.*

[37] *Louisiana Laws* (1894), pp. 92–93. An act to provide for the appointment of a Board of Control for the Leper Home and to provide for the care and treatment of persons so afflicted with leprosy.

[38] *Ibid.* (1900), pp. 108–9. An act to authorize the Board of Control for the Leper Home to select a suitable site for the establishment of a permanent leper home here in the state and to purchase the same; and to appropriate the sum of twenty-five thousand dollars ($25,000) for the payment of the necessary buildings and improvements to be conducted thereon.

[39] *Senate Journal* (1912), Governor's Message, p. 30.

CHAPTER IV

POOR RELIEF

In examining the development of the system of poor relief in Louisiana, the question as to whether its origin lies rooted in French or Anglo-American sources of the early nineteenth century arises. In contrast to the strong sense of local responsibility for public relief under statutory regulation early developed by the English, the French reliance upon ecclesiastical administration through their systems of hospitals, hospices, infirmaries, and charitable foundations is historically important.[1] With the revolution and the destruction of the old order came the nationalization of the churches and the confiscation of the hospital revenues. The États-Généraux, sitting in 1789, discussed the very serious problem of poor relief and argued for a national system rather than local responsibility. The conception of *droit à l'assistance* was the natural outcome from so radical a body, whose members foresaw that local taxes and thereby assistance would be unequal and believed that it was better public policy for a person to receive aid from the state than from his neighbor.[2] A series of reports by the Committee on *secours publique* prepared the way for a more centralized system of public relief, but nothing constructive was enacted into law, and the revolution on the whole, while destroying the ecclesiastical system, built up nothing to take its place.

The early growth of Louisiana institutions which we have been considering coincides with the period during which Napoleon reestablished the famous French hospitals, Bicêtre, Salpêtrière, Hôtel des Invalides, etc., under civil control and administered by a central body, thus finally removing them from ecclesiastical authority. He revived certain taxes for the poor, chiefly those on amusements, and this became the favorite method of raising revenue in Louisiana

[1] For an account of early provisions in France see Léon Lallemand, *Histoire de la Charité,* especially Vols. II–IV.

[2] For a discussion of the effects of the revolution see Alexandre Monnier, *Histoire de l'Assistance Publique,* chap. iv.

also. The Bureau de Bienfaisance, which is the great body for administering outdoor relief, was also conceived, and this period marks the first efforts on the part of the public authority at placing the *enfants abandonnés, trouvés, orphelins* which has become so extensive in France.

Therefore what characterizes French public welfare today, namely, a highly centralized system of poor relief administered through the commune, canton, department, and state, had its foundation with Napoleon. But there is no evidence of its influence upon the early Louisiana legislators with the possible exception of their administration of Charity Hospital. Moreover, that conception of *droit à l'assistance*[3] is totally lacking and the more recent public provision for various groups, which have been inaugurated since the creation in 1889 of the Superior Council of the Assistance Publique under the Ministry of Labor, Hygiene, and Public Welfare, namely, *assistance médicale gratuite* (1893), *assistance aux vieillards, infirmes, et incurables* (1905), *assistance famille nombreuse* (1913), *assistance aux femmes en couches* (1913), give France a system to which Louisiana has developed no counterpart.[4]

Likewise Louisiana inherited none of the English poor law background which was transplanted by the early settlers to Virginia, Massachusetts, and New York. The principle of local responsibility with its legal provision for settlement was absent. Not until 1880 was there any legislation making the parishes[5] responsible for the care of the sick, aged, and dependent. There is still no settlement law. Governor Claiborne, a Virginian by birth and politically active in that state before his appointment as governor of the territory of Louisiana, urged upon the new territorial legislature the need for building workhouses and poorhouses, but there was no such provi-

[3] "L'assistance est obligatoire dès q'une collectivité est obliquée de créer un service d'assistance d'assurer une assistance déterminée. . . . . Si la loi qui crée l'assistance organié en même temps pour l'individu qui y a droit un moyen particulier de faire valoir ses pretentions, on peut alors dire qu'il y a pour cet individu un veritable droit."

[4] See Carlotta Welles, "Social Work in France," *Social Service Review,* I (1927), 537. In Canada, the province of Quebec still shows the French influence very markedly; see *Public Welfare Administration in Canada with Special Reference to Ontario and Quebec,* by Margaret K. Strong (University of Chicago Press, 1930).

[5] The parish represents the same unit as the county.

sion until 1841.[6] Louisiana had no "Bridewell," and the auctioning of the poor and other harsh measures common in Massachusetts probably did not exist.[7] Her early history is in striking contrast to New York and Massachusetts with their litigation over settlement, discussion of paupers, and the problem of the impotent poor and "sturdy beggar."

As early as 1817 an act "To Provide Support for the Relief of the Poor in the State" was introduced into the Louisiana legislature, but was not enacted for over sixty years.[8] Instead of any general system of poor relief, what characterized the early provisions was quite naturally conditioned by the more urgent problems presenting themselves to the legislators, namely, the sick stranger in their midst. The local citizen generally recognized that the acclimatizing process was the cause of much distress to large numbers of the newly arrived population, and their sporadic efforts to assist were in this direction.

In 1821 an appropriation of $800 was made to St. Tammany parish and $400 to East Baton Rouge for the extra expenses incurred by them for the support of sick and indigent strangers,[9] and the following year $400 was given to Washington parish for the same purpose.[10]

The provision made by the city of Baton Rouge is interesting as its various forms distinguish between its local poor and relief to the sick in times of epidemics as the city of New Orleans did not. An

[6] *Louisiana Laws* (1841), p. 30.

[7] Massachusetts General Court, Committee on Pauper Laws, *Report of Committee to Whom Was Referred the Consideration of the Pauper Laws of the Commonwealth, 1821;* reprinted in *Charities,* III, No. 18 (September 30, 1899), 2–7. In the Josiah Quincy *Report of 1821 on the Pauper Laws of Massachusetts,* a Committee appointed to study the problem found the following methods in practice:

1. Provision for the poor by letting them to the lowest bidder, in families at large, within the town.

2. Provision by letting them to the lowest bidder, together; that is, all to one person.

3. Provision by supplies in money or articles in their own houses.

4. Provision by poor or almshouses.

See also Robert W. Kelso, *The History of Public Poor Relief in Massachusetts, 1620–1920.*

[8] *House Journal* (1817), p. 38.

[9] *Louisiana Laws* (1821), pp. 44–45. [10] *Ibid.* (1822), p. 68.

overseer of the poor, with the consent of one of the justices of the peace of his ward, was authorized to give a certificate of disability whenever "a poor person in his ward shall adduce good and sufficient proof of his having been a resident of said ward or of this Parish for at least one year and of his inability to procure subsistence by manual labor or otherwise." Such a certificate put the pauper on the parish poor list to receive not exceeding 50 cents a day for his subsistence. Medical aid not exceeding the same amount a day was also specified.[11] Such typical items as "bread for paupers, $4.50," "keeping a pauper, $30," etc., appear in the appropriations of the board of selectmen. For the sick and distressed stranger, the overseer of the poor was to grant a similar certificate of disability, but funds for this purpose were to be charged against the $400.00 annual appropriation by the state legislature for this group.

The city of New Orleans, however, limited its relief to the sick, and then on a private rather than public basis. In 1822 the city council of New Orleans authorized the mayor to form in each district of the city a Board of Benevolence composed of the alderman and two respectable inhabitants of each district. The duty of such a Board was to open a subscription for the succor of the indigent poor and to appoint a physician to attend the sick in the respective districts. The physicians were expected to serve gratis, but in the event they refused to concur in such an act of humanity, the mayor was authorized to allow them certain compensation.[12]

The difficulties encountered in relieving the sick, who greatly increased in number as the epidemic of that year swept the city, is indicated in an appeal by Mayor J. Roffignac to the citizens of the city:

[11] *Digest of the Laws and Ordinances of the Police Jury of East Baton Rouge* (Baton Rouge, 1821).

[12] *Proceedings of the Council of the City of New Orleans Sitting on the 28th September, 1822.* In 1847 a local physician sued the First Municipality for $550 for professional services rendered the indigent sick during the epidemic of the year. The court said: "It is a constitutional power, we believe, of municipal corporation to provide for the poor unable to labor and during the prevalence of an epidemic, there is none the exercise of which is more imperative than that of furnishing medical assistance to those unable to procure it themselves" (*Vionet* v. *The First Municipality,* 4 La. Ann. 42).

The number of poor persons who yet remain exposed a prey to contagion, renders entirely unequal the resources placed at the disposal of the municipal officers. Already the applications of your Magistrate have been made to the Corporation Societies established in the city and they are anxious to concur with them for relief and consolation of suffering humanity; but in circumstances so grave and imperious, public benevolence is much less efficacious and less powerful than private charity which, like the sentiment that forms its source, is an exhaustible fund. It is through conviction of that truth that determined the council of your city to have recourse to and in the names of the indigent sick by a resolution it has passed to organize in each district of the city a Bureau of Benevolence where each citizen, according to his means and without traveling out of his own quarter, may contribute his offering to humanity and point out, trace, and witness its employment for the succor of the infirm and unfortunate persons of his own neighborhood.[13]

The history of the care of the poor in the city of New Orleans lies almost wholly in the field of private philanthropy and is considered outside the scope of this study.[14] However, one early ordinance of the city corporation (1824), which provided for the withdrawal from the Convent of the Ursuline Nuns of the twenty-four female orphans placed there at the expense of the city and their transfer to the Poydras Female Asylum, indicates the method of caring for the dependent child. The mayor entered into a contract to pay the managers of the latter institution $1,600 per annum for the lodging, board, and clothing of these orphans, and for their instruction in the French and English languages, spelling, reading, writing, arithmetic, the elements of geography, history, and the religious principles of their respective sects.[15] Subsidies to an increasing number of private institutions grew each year.

Another important group in the population for which the state

[13] *Louisiana Courier,* New Orleans, October 2, 1822.

[14] An attempt to tax the inhabitants specifically for the relief of the poor was tried during the Civil War. In an order to the military commandant and city council of New Orleans dated June 4, 1862, General Butler called attention to the condition of the unemployed and starving people of New Orleans. Later he stated that expenses for their relief should be borne by taxation of the whole municipality and ordered certain assessments against several persons, business firms, and corporations. It is stated that the sum of $341,916.25 was realized for the support of the poor. See James Parton, *General Butler in New Orleans,* pp. 309–21. In *Cousin* v. *Abat, Generes and Co.,* 21 La. Ann. 705, the court said, "The order of Major General Butler compelling holders of city defense bonds to pay a certain per cent for the benefit of the poor of New Orleans was punitory and no action lies to recover."

[15] *Corporation Ordinances* (New Orleans, 1831), p. 277.

legislated was the slave. The Black Code[16] contained certain general provisions. Slaves disabled through old age or sickness must be fed and maintained by their owners and furnished with all kinds of assistance both "temporal and spiritual." Later there are descriptions of some of the better-equipped hospitals, which became a necessary part of the larger plantations and which were used mainly for the slave inhabitants.[17]

But a state-wide provision for the so-called pauper group remained lacking. How effective the apprenticeship act[18] of 1865 was in providing for youthful dependents it is impossible to say. This provided that the sheriffs, justices of the peace, and other civil officers of the state were to report to the district courts the names of all males under twenty-one years and females under eighteen years who were orphans or whose parents or tutors were without means to support them so that they could be apprenticed.

In 1870 a bill for the relief of the poor was rejected by the legislature as "calculated to encourage laziness and make the state of Louisiana a receptacle for the poor of other states."[19] A local act of 1874 provided for the establishment of a poorhouse in the parish of Natchitoches.[20] Finally in the constitution of 1879 the state was directed to make it obligatory upon each parish to support its own poor and infirm, and in 1880 the first state-wide poor law was passed.[21]

[16] Bullard and Curry, *Digest of the Laws of Louisiana* (1804–41), pp. 48–73; an act prescribing the rules and conduct to be observed with respect to negroes and other slaves in this territory, sections 4 and 5, p. 48. An early slave ordinance of the French period specified that slaves not provided for by their masters were to inform the members of the Superior Council and have justice done them. Slaves who from infirmity, old age, or any cause were unable to work and were abandoned by their masters, were to be sent to the hospital and the master condemned to pay daily the price of their subsistence and upkeep, and for the payment of these duties the hospital acquired claim on the plantation of the master wherever situated. See "Documents in Care of the Louisiana Historical Society," *Louisiana Historical Quarterly,* I (1917–18), 108.

[17] For instance, in 1853 the hospital on Valcour Aimés' plantation was said to be 64 feet long and to contain seven rooms and an immense veranda. See *Harper's Magazine,* VIII, 746.

[18] *Louisiana Laws* (1865), pp. 28–30.

[19] *House Journal* (1870), p. 227. [20] *Louisiana Laws* (1874), pp. 268–70.

[21] *Louisiana Laws* (1880), p. 42. An act to require police juries to make provision for the support of all infirm, sick, and disabled paupers residing in their respective parishes.

This act was supplemented in 1916 by an act,[22] directing that in parishes in which there are cities of not fewer than 25,000 nor more than 100,000, there be set aside by the police jury 10 per cent of all fines and forfeitures of bonds collected by the District Court for violations of the state laws and likewise by the city council 10 per cent of fines and forfeitures collected for violation of city ordinances, together to constitute an alms fund "for the care of the indigent in those parishes or cities." This fund is not to be larger than $5,000 and is to be invested and managed by the police jury or the city council, as the case may be, or by the two authorities acting together. They may invest the fund, spending the income, but in time of special strain they may take from the fund itself. They may also receive contributions from private sources for the fund.

The act of 1880 provided that the police juries ascertain the names, situations, and conditions, and provide for the entire support of those utterly destitute and helpless, and for the partial support or assistance of others. This was somewhat qualified by the following clauses: "That police juries and parish officers shall not at public expense, support or aid any persons as paupers except such as are infirm, sick, or disabled." Poor farms were to be leased or bought with the provision that they were to be wholly or in part self-sustaining. Local taxation provided the funds.

That the act has done nothing more than to provide the minimum of pauper provisions in the parish is evident. An investigation of almshouse care by the states in 1923 by the United States Department of Labor[23] reports on five institutions maintained in Louisiana at a total annual cost of $5,940 or a per capita cost of $237.60. This does not include the Touro-Shakespeare Almshouse, which is the only public institution maintained by the city of New Orleans for the destitute and which in 1928 received $17,500 in city alimony in addition to $3,000 from its own properties and $3,000 in miscellaneous donations.[24] As to out-door relief a report[25] of

[22] *Laws of Louisiana* (1916), p. 503.

[23] Bulletin No. 386, *The Cost of American Almshouses*, 1925.

[24] The Touro Alms House was incorporated as a private charitable endowment in 1855. During the war the buildings were taken possession of by the United States military authorities and later were burned to the ground. In 1867, all the land and funds on hand were transferred to the city of New Orleans, and thereafter the institution was publicly administered. *Louisiana Laws*, 1867, pp. 191–92.

[25] Information secured from the State Board of Charities and Corrections.

July, 1929, shows that but six parishes have appropriated funds for this purpose, amounting to $19,500 for the present year. However, as a number of parishes distribute some funds but do not budget the items separately, this total is probably incomplete.

An act of 1928,[26] providing for the creation and maintenance by one or more parishes of District Prison Farms for misdemeanants and also providing for the erection and maintenance of a "work house or home for paupers" on the same grounds, is further illustrative of the type of provisions that are considered adequate. It seems especially unfortunate that so recently as 1928 another act[27] providing for the blind should place them on a pauper status and specify a sum not exceeding $300 as the maximum relief for such handicapped individuals. And most regrettable is the fact that the mothers' pension law, enacted in 1920[28] and revised in 1928,[29] remains practically a dead letter, functioning on a very inadequate basis in but nine parishes of the state, which are expending during 1929 a total of $19,400 for this purpose.[30]

[26] *Louisiana Laws* (1928), pp. 265–69.

[27] *Ibid.*, pp. 122–25.

[28] *Ibid.*, 1920, p. 341.

[29] *Ibid.*, 1928, pp. 338–39.

[30] Information secured from the State Board of Charities and Corrections.

CHAPTER V

THE FOUNDING OF CHARITY HOSPITAL

In 1735, not many years after the founding of New Orleans by Bienville in 1718, Jean Louis, a retired sailor, or *patron de bateaux,* as he is styled in the census of 1734, bequeathed the larger share of his estate, amounting to 10,000 piastres, to found a hospital for the poor.[1] This hospital was mentioned in the official records as *l'hôpital des pauvres de la charité* and was named the St. John. A house on the outskirts of the city was purchased, and with a new additional brick building constituted the hospital. At its opening in 1737, five patients were admitted. In a memorial commenting on the event, dated May 20, 1737, Bienville and Salmon optimistically predict that there will no longer be any beggars and that the new hospital will serve to relieve the king's hospital, which in times past has been compelled to care for the poor inhabitants who otherwise would have perished from want.[2]

The following year Sieur Prat, physician in charge, asks the king to carry out the promise made to him to build a lodging near the hospital and reminds the king that this perquisite goes with the salary of 2,000 livres paid to doctors in the colonies. He also requests a brevet as doctor and mentions that his position entitles him to sit in the Superior Council and thereby receive the additional salary of 400 livres. As he serves the inhabitants free of charge, as is the custom in the province, his only source of revenue is the king's bounty.[3]

In 1779 this hospital was destroyed by a hurricane which devastated the entire city. It was rebuilt in 1784 by Don Andres Al-

[1] For a copy of his holographic will, see "Sidelights on Louisiana History," *Louisiana Historical Quarterly,* I (1917–18), 94–97.

[2] The best historical account of the hospital is *The Charity Hospital of Louisiana,* by Dr. A. E. Fossier, originally printed in the *New Orleans Medical and Surgical Journal* for May–October, 1923.

[3] Margry's Compilation of the First Years of Louisiana, manuscript in the Archives of the Louisiana Historical Society; see *Louisiana Historical Quarterly,* III (1920), 558–59.

monester y Roxas, an outstanding figure and benefactor of the Spanish régime.[4] From that time the impression that he was the original founder of the hospital became current.[5]

Almonester, in his semilegal position as patron of the hospital, became involved in litigation with Baron Carondelet, governor of the colony, over rights of patronage. The correspondence between the two, together with some of the court records, give an interesting sidelight on the official bearing of his position both toward the Spanish monarch and the colonial government.[6] In recognition of his donation of 114,000 piastres for the rebuilding of the hospital, to which he added an endowment giving the hospital an annual revenue of 1,500 piastres, King Charles III of Spain granted him the position of patron and issued the Royal Cedula (order) in his favor. In 1786 the hospital was completed, and with solemn ceremonies the

[4] The inscription on his tomb reads:

Here Lies the Remains
of
Don Andres Almonester y Roxas
Native of Mayrena
in the Kingdom of Andalusia
Died in the City of New Orleans
The 26th of April 1798
at 73 years of age
Knight of the Royal and Distinguished Spanish Order of Charles III
Colonel of Militia of this place
Regidor and Royal Alferez of the Cabildo
Founder and Donor of the Cathedral
Founder of the Royal Hospital of Saint Charles and of Its Chapel
Founder of the Lazaretto
Founder of the Chapel of the Convent of the Ursuline Nuns
Founder of classes for the education of children
Founder of the Presbytery
All of these he has erected at his own expense and are in the city
Requiescat in Pace

[5] In *State of Louisiana* v. *G. R. Finlay and Co.*, 33 La. Ann. 114. The court says: "The Charity Hospital was founded in 1784 by Don Andres Almonester y Roxas. . . . ." Also the marble tablet erected in 1832, and which now reposes in the main hall of the present hospital, gives his name as founder.

[6] This file entitled *Legal Action To Take Possession of the Administration of the Charity Hospital of Saint Charles Brought by Senor Don Andres Almonester y Roxas as Its Patron and Founder* is among the unpublished Spanish documents in the Cabildo.

former lord governor, Don Esteban Miro, and the vicarcurate ecclesiastical judge, Fray Antonio de Sedella, turned over the keys of the hospital to Almonester, formally according him the position granted by the king. Mass was said and the sick received into the hospital. More important, however, were the rights of patronage which Almonester now claimed as his prerogative.

In 1792 under the newly appointed Governor Baron Carondelet, who was less friendly to Almonester than Governor Miro, he was rather summarily deprived of his position and the administration of the hospital put into the hands of the treasurer of the army, Don Gilberto Leonard. In a vigorous contest, Almonester carried his case to the Audencia at Havana and to the King of Spain and regained his rights and privileges. However, there was further controversy over the appointment of Don Luis Giovellina as physician and surgeon and a delay of five months before a proper inventory was made and the hospital formally transferred back to the benefactor.

The whole issue between Almonester and the colonial government revolved around the question of private patronage and the degree of supervision to be exercised by the governor over the affairs of the hospital. In support of his claims Almonester had recourse to both civil and canon law. He quotes an order of Philip II, dated May 27, 1591, which permitted anyone having the necessary license to contribute and endow churches, monasteries, hospitals, and chapels, and to acquire and reserve for themselves the rights of private patronage. Also the Holy Council of Trent decreed that the founder had special rights of patronage if he could show title through donations. This doctrine was further supported by the *Partidas,* which specified that "to no other person belongs the appointment of the employees of the church, hospital, or other pious workers even to the smallest office. This is one of the principal fruits and effects of the rights of patronage." Finally, King Philip III decreed that "the Patron for all his days may name perpetually the Administrator, Chaplain, Physician, Surgeon, Majordomos and the rest of the Employees and Servants of the Church and Hospital all to his free will."

The governor, on the other hand, while forced to grant him all

power of appointment and management of the revenues of the hospital, protested against the position of total independence from the colonial government claimed by Almonester. He argued, first, that the hospital had other funds than those to which the patron had contributed; second, that by law no patron had the right to administer revenues without some accounting of the funds; and, finally, that he, as representative of the king, enjoyed certain rights of royal patronage which no private patronage could abridge. While the issue was supposedly settled with the transfer of the hospital back to Almonester, the conflict was to be reopened after his death.

The inventory[7] accompanying the transfer indicates how meager was the hospital equipment. Such items as: 35 small cypress beds, 23 large crossbarred muslin mosquito bars, 15 white and blue shirts for men, 21 pairs of long trousers of various colors, 12 tin plates, 46 new tin lanterns, 2 cypress bathtubs, 3 copper portable furnaces or braziers for fire, etc., give some sidelights on the hospital equipment of that day. Drugs and surgical instruments are totally lacking. That the chapel and its appurtenances had greater claim upon the revenues of the hospital is also evident. Three slaves and four negro children are included.

In 1796 Almonester died, leaving an infant daughter, Michaela, heir to his property and legally patron of the hospital. During the brief period between the transfer of Louisiana to the French and its subsequent purchase by the United States in 1803, the status of the hospital became uncertain and a long period of maladministration and misfortune followed. The widow of Almonester, who became Madame Castillon, as tutrix to her daughter, was constantly in conflict with the newly constituted authority over the hospital and asserted as vigorously as had Almonester certain immunities under her rights and privileges as patron. The need for a well-organized city hospital was constantly increasing and the mayor and council of the city of New Orleans gave much consideration to the proper administration of the somewhat anomalous institution in their midst. Finally in 1808 the territorial legislature passed an act calling for an investigation of the administration and an accounting of

[7] See Appendix C, p. 218.

the funds and appointed the senior colonel of the militia patron during the minority of the heir.[8]

The investigation showed that the Almonester estate was indebted to the hospital to the amount of $6,344 in cash and several pieces of real estate, and that the condition of the patients was deplorable. On September 23, 1809, the hospital burned and the patients were temporarily quartered in the city hall and then removed to the Jourdan plantation below the city, where they occupied half of a residence in consideration of a month's rental of $125. Later they were moved to the La Vergene residence. Although the patients were without proper clothing, food, or nursing care, and the situation was made more serious by the various yellow fever epidemics, Madame Castillon turned a deaf ear to all pleas that she rebuild the hospital. Instead, in 1811, negotiations between the patron of the hospital and the corporation of New Orleans resulted in the relinquishment of the "honorific title and all prerogatives" attached to the hospital by the Almonester family, and an act[9] of the legislature transferred the charter and properties to the city. The transaction,[10] dated March 16, 1811, states that the patronage of the hospital has become only a burden and that for the good of the poor it is suitable that the establishment be intrusted to public administration.

The act of 1811 provided for a joint administration on the part of the state and city. Out of a council of administration of nine members the governor of the territory could appoint "six citizens and heads of families as members" while the city council appointed three and the governor was to act as president of the council. But in 1814[11] the state assumed all responsibility for administration and a council of six members chosen by the governor was provided, with

[8] *Orleans Laws* (1808), p. 16. The preamble reads: "Considering that the abandonment to which that establishment is reduced is in direct opposition with the intention of the founder who has given it property to a considerable amount the revenue whereof if well employed would be more than sufficient for the relief of the indigent sick, while it is notorious that said hospital is now a place of wretchedness where the sick languish in a total want of necessaries of life, notwithstanding the pecuniary retribution which is required of the most part of those who are administered here."

[9] *Ibid.* (1811), pp. 3–6.

[10] *Archives of the Cabildo.* See Appendix D, p. 223.

[11] *Louisiana Laws* (1814), p. 81.

the governor as president; all successive vacancies were to be filled by ballot of a majority of the members in a legal meeting. In 1835[12] the council was increased to ten members, but this provision was repealed in 1837[13] and the number reduced to eight.

In 1818[14] an annual report to the General Assembly covering an accounting of funds, property, and management was required. A register giving the name, the last place of residence, the disorder, and fate of every patient admitted was to be kept and published in a local newspaper. Furthermore, the council was forbidden to alienate or dispose of any property without the approval of the legislature. Not until 1855[15] was the Board empowered to administer the property. Until then separate acts[16] were passed permitting them to dispose of lots, buildings, and slaves in order to provide revenue and to insure the proper administration of the donation.

The management of the hospital was in these early days fairly simple. In 1823, eighty-two patients were reported as receiving treatment, although a large number, 1,685, had passed through the hospital wards the previous year, 239 of whom were yellow fever patients. The entire personnel consisted of the attending physician, an apothecary, performing temporarily the duties of house surgeon and purveyor, an assistant apothecary, a ward master, a porter, and ten nurses including the slaves belonging to the institution.[17] Later the Board of Administrators annually elected four physicians, one visiting surgeon, and a house surgeon to perform the professional services.[18]

The years 1832–33 mark the beginning of the "New Charity

[12] *Ibid.* (1835), p. 121.

[13] *Ibid.* (1837), p. 38.

[14] *Ibid.* (1818), p. 96.

[15] *Ibid.* (1855), p. 203.

[16] *Ibid.* (1826), p. 156; (1830), p. 72; (1843), p. 21; *Senate Journal* (1831), p. 69.

[17] *House Journal* (1823), p. 27.

[18] Probably there was more confusion and conflict in the administration of the hospital during the period of transition from French to American domination than is reflected in the public documents. In the *Courier* for June 3, 1825, appeared an article demanding to know about a rumoured appointment of a negro fellow as house surgeon pro tem to the hospital. In conclusion it added: "We long to see French influence prostrated! We long to see this glorious institution purged of those wicked Frenchmen who are for introducing to its sublime mysteries, men who have dared to wield a pen against its unworthy officers and indeed, to sum up all, we long to see this charitable edifice established as an appendage to the Louisiana State Bank."

Hospital" which forms a part of the present unit. Owing to the large floating population and the health conditions of the city, there had for some time been need for a larger institution. The old buildings and square were sold to the state for $125,000 and new ground, then bounded by Gironde, Gravier, St. Mary, and Common Streets, purchased. It was estimated that the new edifice would cost $150,000 and would accommodate 400 patients. It was considered a building of great size, being about 290 feet in length and three stories high. Various additions were made from year to year. In 1841, the Lunatic Asylum was added. This building was 103 feet by 35 feet and three stories high. A gallery extended the whole length and height of the house. Spacious grounds around the building afforded a place for exercise. Still farther behind the main building was located the "Dead House," and it was doubted "whether any city in the world presents so pleasant and convenient a place for the study of anatomy." In front of the hospital two officials, the clerk and the porter, were stationed. The former kept the register of all admissions which was submitted monthly to the Board and annually to the legislature. The porter attended the front gate, and admitted no one but certain privileged persons without a fee of twenty-five cents.[19]

In 1843, the head of the Louisiana Medical College petitioned the legislature to grant them a portion of the public square on which to build a college. In consideration for this privilege, the college offered to render all necessary professional service to the Charity Hospital for a period of ten years free of charge. However, other physicians of the city protested against such exclusive connections and likewise offered to attend the hospital gratis. As a compromise the legislature granted the Louisiana Medical College the site desired in exchange for free medical service for ten years, but specified that appointments to the hospital should be made from the body of licensed physicians and not exclusively from the college. The number of attending physicians was increased to eight and the surgeons to two. Elections were made semiannual. Some six medical students served as internes and performed the minor operations prescribed by the attending physicians.

[19] "Historical Sketch of Charity Hospital," *New Orleans Medical and Surgical Journal*, I (1844), 72–77.

In 1846 a Committee[20] of the legislature had under consideration a plan to farm out the hospital to some private party. The argument was based on the higher cost of administration in all public institutions than under the vigilant eye of private interest. The Committee felt entirely satisfied that all property rights of the institution as well as the welfare of the patients could be safeguarded if the ample security were required of the lessee and a degree of control maintained by the governor and Board. The Committee pointed to the experience of the city of Mobile, which had for two years farmed out the city hospital at a saving of 50 per cent. Since a similar experiment in connection with the state penitentiary proved so disastrous, it is fortunate that the plan never got beyond the legislative chamber.

In Almonester's time the nursing was performed by negro slaves. Later, nurses were selected from among the convalescent patients who received a small compensation for such service. In 1834 the Catholic Sisters of Charity were installed and accorded considerable authority in the management of the hospital.

> They have power (subject to no other control than the administration) to establish such rules as they may deem expedient, to preserve good order, regulation and cleanliness. They have the superintendence of the sick wards and the management of all household concerns and take under their charge all property, stores, etc., of the institution. The Sister Superior has the control of the nurses and in concurrence with the House Surgeon the right to appoint and remove them. She also directs the disbursements for marketing and designates the necessary supplies for the whole house.[21]

The nurses continued to be recruited from among the convalescent patients.

Supervision on the part of the Joint Committees from the legislature seems less perfunctory than might be expected. The reports covering their inspection visits go into considerable detail as to the physical needs of the hospital with many accompanying recommendations. One report of 1820[22] advising that the space occupied by the hospital and dependencies be inclosed in a solid fence to prevent

[20] *House Journal* (1846), pp. 154–55.

[21] "Historical Sketch of Charity Hospital," *New Orleans Medical and Surgical Journal,* I (1844), 74.

[22] *Senate Journal* (1820), p. 30.

patients from escaping, also to prevent food and strong drinks from being supplied to patients, indicates some of the problems of that time. Inspection by the grand jury was made occasionally. A report of their visit in 1852[23] praises the general management too uncritically to suppose any thorough inspection of the care of the patients, but gives specific attention to the repairs, etc. The legislature of 1855[24] provided a measure of supervision on the part of the Board of Administrators. Two members were to be appointed monthly to visit the hospital at least twice a week. Actually, Board members made regular visits prior to this time.

It is difficult to state the exact amount of property belonging to the hospital at the time of its transfer to the corporation of New Orleans. One account[25] states that the real estate had been tampered with; that there were no longer any slaves; and that buildings were in a decaying condition. The problem of securing funds for its maintenance now became the concern of the mayor and the city council. By 1811 they had appropriated $2,718.37 to its suport, but were reimbursed by the state government to the amount of $2,000 appropriated from the territorial fund for the relief of the poor. The tangled negotiations between the city and the territorial legislature are difficult to trace. A plantation purchased from Mr. P. Currolier by the city proved unsatisfactory as a hospital location. Not until 1815 was a more satisfactory property, a square bounded by Canal, Common, Philippe, and Baronne Streets, purchased and a building subsequently used as the State House, erected as a hospital.[26] In 1823[27] the following property is listed as belonging to the hospital: (1) establishment on Canal Street; (2) a lot and brick house thereon

[23] *Report of the Board of Administrators of Charity Hospital* (1852), p. 5.

[24] *Louisiana Laws* (1855), p. 203.

[25] John J. Castellanos, "The Early Charity Hospital," *New Orleans Medical and Surgical Journal,* XIV (1857), 20–30, 63–74, 129–43.

[26] Although this square now lies in the heart of the downtown district, in 1821 the joint committee from the legislature complained of its distance from the city. The number of accidents that daily occurred to sailors, butchers, and those wounded in frays necessitated a depot in the city that could be used in emergency cases. They also pointed to the expense and difficulty of conveying the sick back and forth in carriages or covered boats *(House Journal* [1821], p. 50).

[27] *Ibid.* (1823), p. 27.

situated at the corner of Bourbon and Maine Streets; (3) a lot and brick house thereon situated in Bourbon between Marie and Philippe Streets; (4) eight slaves; (5) 552 shares of the Louisiana State Bank paid in full ($5,200).[28]

The efforts of the legislature to secure sufficient funds for the increasing needs of the hospital is the most interesting chapter in its early history. At its first session in 1804 an Act[29] Relating to Harbour Masters and Pilots provided a fine of $50 "for use of the hospital of said city." In 1812, Governor Claiborne,[30] in his addresses before the city council and the legislature, called attention to the deplorable condition of the hospital for want of funds. The first direct appropriation of $3,000 was made by the legislature that year. The next appropriation was not until 1822,[31] when $4,000 was voted "for the relief of sick and distressed strangers."

But it was the sale of gambling and theater licenses, taxes on amusements, penalties for harboring vagrants and aliens, assessments against certain trades, court fines, commutation tax against foreigners, and similar devices for providing revenue rather than by direct appropriation that occupied the time of the early legislators. Revenue for amusement taxes was provided in an act of 1814,[32] which specified that for every public and subscription ball and concert a sum of $10 must be paid *directly* to the treasurer of the hospital. Moreover, each manager of a theater must annually provide four public performances for the benefit of the hospital. This provision was altered in 1838[33] by providing a fixed sum of $500 be exacted from each manager; from every circus $150; from every menagerie $50; and from every show $25.[34] Licenses[35] granted to

[28] *Ibid.* (1823), p. 27.

[29] *Louisiana Acts* (1804), p. 122.

[30] Claiborne, VI, 10, 71. He says: "That there are at this time in the hospital thirty diseased and distressed individuals and that the number of applicants for admission is daily increasing. . . . . That the hospital is destitute of most of the conveniences essential to the comfort of the sick and that its monthly revenue falls far short of the actual and necessary expenditures."

[31] *Louisiana Laws* (1822), p. 68.

[32] *Ibid.* (1814), p. 82.

[33] *Ibid.* (1837–38), p. 107.

[34] In *Charity Hospital* v. *Charles Lammerman,* 5 La. Ann. 380, and *Charity Hospital* v. *B. De Bar,* 11 La. Ann. 385, the court held that such a tax was constitutional.

[35] *Louisiana Laws* (1832), p. 152.

theaters cost as much as $4,000, payable in advance, and such proceeds were divided, with only one-quarter going to the support of the primary schools of New Orleans and the College of Louisiana, while three-quarters went to the hospital.

The most remunerative source of income was from gambling licenses. "An Act against Gambling" of 1811[36] directed that half the fines collected should go to the hospital. An amendment to this act in 1814[37] stated that efforts to regulate gambling-houses had failed, and attempted "to turn to the advantage of the poor the evils such cause to society at large." Gambling-houses were licensed and placed under the police and inspection of the mayor and city council. All retributions were to go to Charity Hospital and the forfeitures to be divided: one-third to the informer, one-third to meet the expense of the police, and only one-third to Charity Hospital. In 1815 a further act[38] specified that, if expedient, the rights of the hospital in the proceeds from the licenses might be sold to the highest bidder after requiring the necessary security. Such privileges as accrued from gambling, however, proved not very profitable.

In 1823, an act for the relief of Charity Hospital of New Orleans[39] commented on the failure to obtain sufficient revenue from this source and stated that the hospital had been forced to dispose of part of its capital and faced ruin unless drastic measures were taken. However, it did no more than limit the number of gambling-houses to six and imposed a fine of $1,000 for infringement of the law and $3,000 as the price of a license. But the bars were let down again in 1832,[40] and the state was authorized to grant additional licenses for the sum of $7,500 in advance. The Orphan Boys' Asylum and Poydras Asylum were included in the benefits arising from licenses to gambling-houses and theater. But in 1835[41] the provision was entirely repealed and this lucrative source of income no longer available.

Considering the variety of methods used by the legislature to finance the hospital, it may be questioned why they did not resort to the popular and well-established but somewhat hazardous device

[36] *Ibid.* (1811), p. 60.
[37] *Ibid.*, (1814), p. 104.
[38] *Ibid.* (1815), p. 22.
[39] *Ibid.* (1823), p. 23.
[40] *Ibid.*, (1832), p. 152.
[41] *Ibid.* (1835), p. 135.

of the lottery. Such respectable institutions as Christ Church, of New Orleans,[42] St. Francis Church, of Natchitoches,[43] the Medical Society,[44] educational institutions,[45] and private individuals who wished to dispose of private property all received authority from the legislature to conduct lotteries. Large sums, from $10,000 to $50,000, were raised in this way. Charity Hospital did not profit from the lottery until 1833,[46] when the legislature began its long continued efforts to stamp out lotteries and provided that all fines collected should accrue to it.

Each successive year the financial situation became increasingly acute. The revenue from gambling licenses which amounted to $47,916.66 in 1833, was cut off completely after the repeal of the law in 1835.[47] An arrangement entered into between the hospital and the city council by which the latter paid at the rate of 50 cents a day for each patient over 200 amounted to but $975.50 for the year 1834.[48]

Another attempt to provide revenue was the act of 1836[49] which placed an assessment of $100 each on grog shops, taverns, coffee-houses, billiard tables, and $290 against negro traders for the benefit of the hospital. But the committee from the legislature found the institution woefully destitute of funds in 1837.[50] An act to provide "permanently for the support of Charity Hospital" did no more than provide that all sums collected from the recovery of forfeited bonds and recognizance fines assessed in criminal cases, also fines for contempt of court, up to $40,000 shall go to the hospital.[51] Another act[52] the same year authorized the issue of state bonds to the amount of $100,000 for its support. Failure of the legislature to appropriate funds led to a recommendation that the gambling li-

[42] An act to authorize the rector, warden, and vestrymen of Christ Church in the county of Orleans to raise the sum of ten thousand dollars by lottery *(Orleans Laws* [1810], p. 42).

[43] *Louisiana Laws* (1826), p. 48.

[44] *Ibid.* (1819), p. 26.

[45] *Ibid.* (1813), p. 81.

[46] *Ibid.* (1833), p. 136.

[47] *Niles Register* (September 26, 1835), p. 62.

[48] *Ibid.*

[49] *Louisiana Laws* (1836), p. 146.

[50] *House Journal* (1837), p. 63.

[51] *Louisiana Laws* (1837), p. 73.

[52] *Ibid.* (1837–38), p. 107.

censes be revived as the only effective means of raising sufficient revenue.[53] Finally in 1839[54] the state appropriated $2,000 a month for the year, and in 1840[55] the sum of $40,000. However, only $15,000 of this was for current expenses as $25,000 was allotted to a separate hospital for the insane.

The report of 1839 indicates how uncertain were the sources of revenue furnished by the legislature:

> We are pained to make to the Legislature the annual and almost stereotyped statement of defective means for the support of this noble institution, standing as it deservedly does, a monument of munificent endowment, and a memento of Christian charity. From these causes we have been compelled during the past year, to exclude the numerous thousands that have annually received benefits at its doors, as out door patients; from the same cause we were driven to deprive ourselves of our convalescent wards and to throw upon an unfeeling world our half cured patients, in order to supply a bed to the more urgent demand of a still more suffering fever subject. With small permanent sources of revenue (and those created by themselves) the administrators of the house have been struggling in a cause, that has been full of pain and anguish to the benevolent and philanthropic. Your honorable body is aware that this Institution, has had little to rely upon since the abrogation of the gambling licenses; that the expedients, since that period, resorted to, have yielded no permanent relief, and were it not for the loan of the state bonds, the doors would long since have been closed. That the act granting us the benefit of forfeited recognizances has yielded nothing. That from fines imposed upon certain gamblers, but one thousand dollars have been realized: that the act substituting a specific sum from the theatres in lieu of a specific number of benefits was like its predecessor useless, the managers of theatres resisting the law, and its requiring the slow process of suits to be enforced, to be of the least avail. Whereupon we beg leave to suggest to your honorable body, should no more efficient means occur to you, who must be equally anxious for the preservation of this Institution, and the morals of the state; the propriety of a tax upon each of the numerous lottery offices now in operation; a species of petty as well as outrageous, gambling in every street, that is demoralizing our community.

The many penal enactments which made Charity Hospital the beneficiary will only be mentioned in passing. There is no indication that anything ever accrued to the hospital from these sources, and the futility of such legislation as a method of financing an institution is obvious. They were: a fine of $25 against sextons failing to make

[53] *House Journal* (1839), p. 92.

[54] *Louisiana Laws* (1839), p. 196. [55] *Ibid.* (1840), p. 125.

returns of persons interred; a $2,500 fine against judges for failing to make certain orders; persons refusing to answer assessors' inquiries fined $50; omission on the part of the corporation to advertise as required by certain acts, fine $1,000; district attorneys neglecting to prosecute sheriffs for failure to execute warrants in capital or penitentiary offenses, fine $500; shipmasters refusing to give preference for outward pilotage, fine $500; pilots boarding inward bound vessels in other than pilot boats at their station, fine $100; notaries failing to register conveyance of real estate within forty-eight hours, fine $500, etc. Also the proceeds of the sale of cotton found floating in the waters of the state when unclaimed must be turned over to Charity Hospital. Finally, the Gas Light Company was ordered to furnish free gas to the hospital.[56]

The large number of sick strangers seeking treatment in the hospital constituted a problem inextricably linked with that of adequate revenue. Fines against vagrants and those who housed them provided for in 1806[57] was one of the earliest sources of income. This act was amended to include fines against shipmasters for failing to report information concerning every passenger brought into the port, and fines against householders entertaining such aliens. As the flood of immigration increased the legislature made continued efforts to shift some of the increasing financial burden due to the number of foreign patients and those from other states admitted for treatment.

In 1814[58] the governor was instructed to write to the legislatures of several states and territories bordering on the Mississippi and Ohio rivers and request funds for the hospital. Pennsylvania appropriated $5,000 for buildings and $500 annually for ten years to be used exclusively for the relief of persons from Pennsylvania employed in trade in the city who were unable to pay for treatment.[59] There is no record that other states followed the example of Pennsylvania.

[56] According to Walker's "Digest to 1870," *Report of Board of Administrators of Charity Hospital* (1875), p. 36.

[57] Bullard and Curry, *Digest of Laws* (1804–41), pp. 811–16.

[58] *Ibid.* (1814), p. 82.

[59] *Laws of Pennsylvania* (1812–17), chap. 4270 (1816), 391–92.

Sentiment regarding the number of foreigners treated fluctuated. On the whole, it was considered sound business policy for the state to make such provisions in order to encourage commerce. But as the financial needs became more acute[60] it was to legislation taxing the foreigner that the legislature turned as a solution. From 1842 until the Civil War, income from this source yielded the most revenue to the support of the hospital. The act of 1842[61] provided that masters of ships from foreign ports must pay $1.00 for each cabin passenger and 50 cents for steerage passengers. Ships from ports of the Gulf of Mexico paid only 12½ cents and 6½ cents, respectively, while those from Atlantic ports paid 25 cents and 6¼ cents, respectively. Responsibility for collecting the tax was placed upon the Board of Administrators of the hospital who appointed one or more collectors empowered to examine all passengers' lists. The following year the tax was increased from $1.00 to $3.00, and so on.[62]

The income for the first year after the passage of the act was disappointing. It was estimated that the tax would yield $30,000.00 per annum, but the gross receipts for the period April 19—December 31, 1842 were $7,074.69 and net proceeds $5,117.31. The report of that year estimates that as many as 98,000 deck and steerage passengers entered the port during this period instead of the 30,828 registered. In order to evade the law river boats landed their passengers at Lafayette in St. Bernard parish.[63] The expense attached to collecting the tax was always high, and in 1845 it cost $7,928.41 to collect $37,713.66.[64] In 1844 the law was attacked as in regulation of commerce and thereby unconstitutional, but was upheld by the Supreme Court of the state.[65] Following the United States Supreme

[60] In 1841 it was stated that the hospital must close unless some relief was received (*House Journal* [1841], pp. 91–92).

[61] *Louisiana Laws* (1842), p. 454.

[62] *Ibid.* (1843), p. 501.

[63] *Senate Journal* (1844), p. 1.

[64] *House Journal* (1844), pp. 154–55.

[65] *State* v. *Fullerton,* 7 Robinson, La. 210, 319. It was held that the tax levy imposed exclusively on passengers and not the captain, officers, or crew of the vessel, whose labor is necessary for navigating it and who may be regarded as among the instruments of commerce, cannot be regarded as a regulation of commerce, etc. In a rehearing of the case the well-known New York case *Smith* v. *Turner* and the Massachusetts case *Norris* v. *City of Boston,* which had been upheld by the supreme courts of their respective states, were used as precedents. In 1898 these state laws were declared unconstitutional by the United States Supreme Court in 48 U.S. 282.

Court decision against the constitutionality of state head taxes, the law was changed in 1850.[66] The commanding officer was required to make a written report covering every passenger not a citizen of the United States, but upon every foreign passenger more than fourteen[67] years of age was placed the responsibility of reporting to one of the hospital commissioners. A bond of $1,000.00 was required as a condition for not becoming chargeable within a period of five years to any citizen or charitable institution, unless such institution was voluntarily supported by foreigners. A commutation tax of $2.00 was provided in lieu of the bond. Not only did the shipmasters no longer pay the tax but they were now entitled to 5 per cent commission for all sums collected. Various penalties were provided, all recoverable by the hospital. On the hospital was placed the responsibility to treat gratuitously all destitute foreigners provided they had furnished bond or paid the tax within a five-year period.

Doubts as to the constitutionality of such a tax troubled the legislators. A resolution[68] of the legislature of 1853 mentions the many embarrassments which have attended efforts to collect the tax and calls on the Louisiana senators to urge upon Congress the passage of a law which will authorize the state legislature to collect such a tax from persons not citizens of the United States entering the port of New Orleans. The resolution furnished statistics to support their claim that sums expended by the state were utterly disproportionate to the number of her own citizens treated in comparison with those of other states and foreign countries. From 1848 to 1853 a total of $419,153 had been expended. Distribution of the 82,430 patients treated during this period was: Louisiana, 1,011; other states, 7,559; foreign countries, 73,156; unknown, 1,704.

But the income from the tax continued to increase and in 1853 the hospital was free of debt for the first time since 1842.[69] In 1854 the sources of income were as follows:[70]

[66] *Louisiana Laws* (1850), p. 225.

[67] Age lowered to ten years in 1855.

[68] *Louisiana Laws* (1853), p. 137.

[69] *Report of the Board of Administrators of Charity Hospital* (1853).

[70] *Ibid.* (1855), p. 6.

Tax on passengers	$ 76,961.51
Ball licenses	3,466.50
Exhibition licenses	477.50
R. H. McNair's notes	704.00
Rent of Union cotton press	3,475.20
Insurance Account Dividends	44.84
Interest account	1,340.62
Gate money	2,225.63
Pay patients	5,694.00
Donations	164.10
Sale of sundries	1,075.55
Returned by H. Bier	50.00
Howard Association pay patients	168.00
Left by deceased persons	675.33
Orleans theater license	450.00
State appropriations for repairs	20,000.00
Estate of Jackson	7.50
Fines from sheriff	261.00
Returned by sisters	107.70
Sale of nine cows	125.00
Returned by Dr. Young expenses funeral of son	185.00
Paid by coroner expenses of funeral of postmortem subjects	30.00
Total	$117,688.98

The tax on foreigners was now considered an adequate and permanent source of income. By 1856 the financial affairs of the hospital were considered flourishing. Old buildings had been repaired, new ones erected, and a surplus of $60,000 accumulated.[71] But such prosperity was short-lived. Owing to a decrease in immigration the revenue from the tax on foreigners dropped to $28,424.25[72] the following year. An injunction prohibiting certain balls as disorderly cut off that source of income, and the conflict between municipal regulation of local affairs and the financing of the hospital was made apparent. By 1859[73] the revenues had so decreased that the Board was faced with the necessity of borrowing money to carry on the affairs of the institution. The tax on passengers, estimated at $30,-

[71] Governor's Message, *House Journal* (1856), p. 7.

[72] *Report of the Board of Administrators of Charity Hospital* (1857), p. 7.

[73] *Ibid.* (1859), p. 8.

000, produced only $19,640.25; the tax on balls and concerts but $3,525; while the income from theaters amounted to but the specific tax of $100 each. The legislature passed an act[74] providing that surplus funds remaining in the hands of the treasurer of the Board of Health should be turned over to the hospital; but such legislation offered little hope for the solution of the problem of finance. For the first time the Board of Administrators looked to the legislature for direct appropriations from the state treasury as the only stable and sufficient source of income to supply increasing wants of the hospital.[75] In 1859,[76] and again in 1860,[77] $40,000 was appropriated for current expenses, and in 1861[78] a sum of $75,000.

Many problems complicated the administration of the hospital and increased the expenditures during this period prior to the Civil War. That of overcrowding persists until the present day. The flood of immigration, bringing with it the large numbers of nonresident patients and the ever recurring epidemics of cholera and especially yellow fever, taxed the capacity and resources of the hospital and created the major problems of these years. Furthermore, the lack of state and city provision for the aged and homeless poor and the total neglect of the dependent and neglected child made Charity Hospital the early public refuge for these unfortunates. Uniquely did its hospital population reflect not only the health of the community but often the social and economic conditions of the city and state.

Undoubtedly from its very founding Charity Hospital was a refuge for the sick stranger. In 1821[79] out of the 1,135 patients admitted, only 17 were reported as Louisianians. For the most part these were boatmen of the Mississippi River trade. In 1829, 2,697 were admitted and only 40 were natives of the state. Kentucky, Maryland, New York, Virginia, and Pennsylvania furnished their quota, while 1,565 were foreigners from every port. Early travelers to the city commented on the benevolence of the city in its treatment

[74] *Louisiana Laws* (1859), p. 170.

[75] *Report of the Board of Administrators of Charity Hospital* (1860), p. 8.

[76] *Louisiana Laws* (1859), p. 235.

[77] *Ibid.* (1860), pp. 186–91.

[78] *Ibid.* (1861), pp. 129–33.

[79] *House Journal* (1822), p. 29.

of the sick and destitute stranger.[80] By 1848, 11,945 patients poured through the hospital in a single year. The wide variety of nationalities represented was striking.[81] The following represents the nativity of the patients admitted during 1858.[82]

UNITED STATES

Louisiana	360	Rhode Island	17
New York	324	North Carolina	29
Pennsylvania	152	Missouri	31
Ohio	87	Michigan	19
Virginia	100	Wisconsin	3
Alabama	33	New Jersey	27
Georgia	39	Florida	13
Massachusetts	88	Illinois	16
Maine	66	South Carolina	26
Kentucky	88	New Hampshire	11
Maryland	73	Vermont	14
Mississippi	18	Arkansas	2
Tennessee	48	Delaware	8
Indiana	23	District of Columbia	6
Texas	10	Iowa	2
Connecticut	18		
		Total	1,751

FOREIGN COUNTRIES

Ireland	4,568	Lombardy Kingdom	12
Germany	1,883	Naples Kingdom	6
France	876	Hungary	10
England	463	Dalmatia	6
Prussia	523	Greece	5
Switzerland	215	Russian Poland	17

[80] "Great numbers of sick and destitute strangers are perpetually thrown upon the mercy of the inhabitants and that mercy is unbounded. I have reason to believe the sick are not merely nursed and cured, but provided with funds before departing. When I visited the hospital, it contained 250, not above 50 were Americans" (H. Martineau, *Retrospect of Western Travel,* I, 256–57).

[81] "The Charity Hospital seems to have been sort of a neutral ground where a general 'Congress of Nations' has been held. Here have met the Hindoo, the Christian, the native of the sunny clime of Italy and the denizen of the frozen regions of Russia, the simple sons of the Sandwich Islands, and the fiery Spaniard, men who have dwelt upon the Andes, and others who have roamed the plains of Palestine" *(Niles Register,* 1843–44, p. 170).

[82] *Report of the Board of Administrators of Charity Hospital* (1859), pp. 14–16.

FOREIGN COUNTRIES—*Continued*

Canada	72	Russia	9
Scotland	140	New Brunswick	5
Sardinia	93	Nova Scotia	12
Sweden	53	Brazil	1
Denmark	63	Mexico	36
Spain	74	Shetland Islands	1
Sicily	26	North Granada	3
North and South Wales	6	Manila	7
Portugal	16	Jamaica	3
Belgium	35	Guernsey Islands	1
Barbadoes Islands	2	Martinique	2
Saxony	55	St. Thomas	1
Austria proper	80	Man Islands	3
Poland	14	Wright Islands	1
Norway	21	Columbia	1
Baleares Islands	11	St. Domingo	1
Italy proper	20	Madeira	7
Bombay Island	1	Trinidad Islands	1
Prussian Poland	10	Jersey Islands	2
Ionian Islands	1	Malta Islands	5
Corsica Island	3	San Miguel Island	3
Cuba	10	Tuscany	4
Persia	2	Bohemia	6
Turkey of Asia	4	Orkney Islands	1
Azores Islands	22	Guatemala	1
Holland	31	China	1
Africa	1		
		Total	9,568
		Unknown	18

The following account of 1848 is only one of many describing the effects of succeeding epidemics upon the city:

Ship typhus fever in New Orleans was derived from the European emigrants, especially those from Ireland, who are miserably poor and dirty and arrive with typhus generated on the voyage. On the 11th of February 500 cases of ship fever were in the crowded wards of Charity Hospital. Some permanent arrangement should be made to prevent this influx of disease. The next arrival from Europe may overflow the Hospital and infect the city. . . . . In quick succession upon the occurrence of the winter and spring of 1847 followed the disastrous outbreak of yellow fever in the ensuing summer. Our city during that and the succeeding year was the great thoroughfare of the disbanded Mexican soldiers returning home worn in health, and body and mind; many of them

bringing in their persons the infection of the dreaded vomito among the other maladies which consumed their life and impaired their health. The summer was a fit sequence to the spring. Disease and death stalked unchecked throughout the state; and when with hardly a pause to the funeral marches, the cholera of 1847 supervened, it seemed as if the last catastrophe of this frightful scene of evil had come. The mortality of our city swelled to such disproportioned limits that the morbid imagination of some of our citizens and the jealous rivalry of other commercial cities combined to depict New Orleans as a modern Aceldama.[83]

The following table gives some index to prevalence of yellow fever during the period from 1823 to 1843.[84] That the mortality rate was high is evident. Always close to 50 per cent, it ran in 1822 to 68 per cent, and in 1843 to 46 per cent.

NUMBER OF CASES OF YELLOW FEVER ADMITTED INTO THE NEW ORLEANS CHARITY HOSPITAL FROM JANUARY 1, 1822, TO JANUARY 1, 1844

Year	Number Admitted	Discharged	Died
1822	349	98	239
1823	.....	.....	.....
1824	167	59	108
1825	94	40	59
1826	26	19	5
1827	372	263	109
1828	290	160	130
1829	435	220	215
1830	256	139	117
1831	3	1	2
1832	26	8	18
1833	422	212	210
1834	150	35	95
1835	505	221	284
1836	6	1	5
1837	998	556	442
1838	22	5	17
1839	1,086	634	452
1840	3	.....	3
1841	1,113	520	594
1842	410	214	211
1843	1,053	609	487

During a year when there was no epidemic, the decrease in the hospital population was an occasion for universal satisfaction. For instance, in 1850, due to the high state of public health, between ten

[83] *Annual Report of the Board of Health* (1860), pp. 3–5.

[84] *New Orleans Medical and Surgical Journal*, I (1844), 103.

and twelve wards were closed. Again in 1851 the so-called "sickly season" passed and although the city was crowded with thousands of strangers, all eager to engage in trade, the city was reported to enjoy better health than it had enjoyed any season for the last fifty years.[85]

The following year the *New Orleans Medical and Surgical Journal*[86] comments as follows:

> The cholera which carries terror to so many stout hearts has expired; the yellow fever—the dread of the Stranger and Sojourner in our midst—has long since been banished from the city. Eruptive and contagious diseases are few and far between and scarcely excite the attention of the most timid. Our great Charity Hospital is comparatively empty, whilst our private institutions are almost destitute of patients. Such is and has been the sanitary conditions of our city for several months past notwithstanding the constantly crowded state of our streets, public houses, and the immense number that are daily arriving and departing from the city.

But the most devastating yellow fever epidemic of its entire history swept the city the following year (1853). The number of patients admitted to the hospital was 3,212, as against 2,811 in 1847, the last fatal and widespread epidemic. It was reported that in addition 11,088 patients were cared for by a voluntary organization, the Howard Association. Typhus, or ship fever, smallpox, and other contagious diseases, helped to swell the number of patients seeking treatment during these years.

It was as a city and state almshouse that the hospital housed so large a number of individuals who only served to crowd the wards and for whom the state should have made other provision. The report of 1840 comments on the fact that the institution was serving as a hospital, almshouse, and dispensary, and recommends that a convalescent hospital and almshouse be erected on some cheap site near the city. Such an institution would decrease the cost of operating the hospital and provide occupation for the vagrants. In 1852 the report of the grand jury comments on the number of children brought to the hospital by their parents who were never reclaimed and who were in consequence retained and cared for in the institution.[87]

[85] *Ibid.*, VIII (1851), 136, 398. [86] *Ibid.*, VIII (1851), 819.

[87] *Report of the Board of Administrators of Charity Hospital* (1852), p. 5.

In 1853 the Board again urges upon the legislature the need for an almshouse:

> From the report of the House Surgeon, the Board is informed that besides the sick, who are the proper recipients of your charity, the hospital is burdened with the support of 200 pensioners or infirm paupers, who are inadequate to support themselves and in the absence of suitable asylums for such an unhappy class have no alternative between the city work house and the hospital. . . . . As yet no successful effort has been made either by the city or state government to take cognizance of this class by making provision for them in asylums or alms houses and bring them under such subjection as will make their support the least burdensome to society. Beyond what has been done by the associations, benevolence, and enterprise of some of our citizens, our growing commercial capital has no one public edifice consecrated to the relief, support, training, and moral care of our adult poor population. Its orphan asylums and widows' homes are noble indications of the prevalence of an enlightened philanthropy but the relief given is necessarily confined to a limited number, leaving unprovided a large class who are homeless and friendless, drifting through society until crime and disease drive them into the hospital. . . . .[88]

Each year the plea for an almshouse was renewed to no effect.

[88] *Ibid.* (1853), p. 5.

CHAPTER VI

CHARITY HOSPITAL, CIVIL WAR TO THE PRESENT TIME

It has been impossible to trace the fate of Charity Hospital during the Civil War either through reports or legislative documents. From the personal reminiscences of the acting house surgeon during the early part of the conflict a brief account of some of its difficulties was obtained.[1] It was early foreseen that as the largest hospital in the Confederate states it faced an emergency situation. For a short time the old Marine Hospital was used as a Confederate hospital, but after the occupation of the city by federal troops in 1862 that hospital was forced by lack of supplies to close and the patients were transferred to Charity Hospital.

When General Butler took possession of the city in 1862 he called upon the hospital to set aside a number of wards for the sick and wounded federal troops. This was refused on the basis that the hospital was for the poor of the state only, although the house surgeon agreed to withdraw and allow the federals to take charge. Butler then converted the St. Louis Hotel into a military hospital. But when he learned that Confederate troops were being admitted to Charity Hospital he caused the arrest of the house surgeon and Board and demanded a further reason for their discrimination against sick federal troops. As a compromise the hospital agreed to admit them as charity patients if additional doctors were added to the staff. Butler authorized the salary of $50 a month for two physicians, and friends of the house surgeon were appointed. Later when Butler issued his order compelling everyone to take an oath of allegiance or register as enemies of the United States government, the entire hospital staff, with the exception of one interne, registered as enemies.[2] In December, 1862, General Butler was superseded by

[1] Reminiscences of Doctor Ernest Lewis.

[2] "Report of the Chairman of the Committee on Public and Charitable Institutions," *House Journal* (1864), p. 105.

General Nathaniel P. Banks, who appointed a Republican Board of Managers. From the close of the war through the difficult days of reconstruction until 1877 when the "carpet-bag" rule officially ended, the Republican administration of the hospital was fraught with difficulties.

Two measures passed during this administration served to cripple the finances of the hospital. The famous Lottery Bill passed in 1868, incorporating the Louisiana State Lottery, provided that the $40,000 tax should go to the educational fund instead of Charity Hospital,[3] and in 1869 the tax on foreigners was diverted from the hospital to the Bureau of Immigration.[4] Moreover, the removal of the United States marine patients from Charity Hospital to Hôtel Dieu in 1871 further reduced the income of the hospital, as revenue from this source had amounted to $67,523 in 1868, paid by the

[3] The articles of incorporation stated the purposes of the corporation: (1) The protection of the state against great losses heretofore incurred by sending large amounts of money to other states and foreign companies for purchase of lottery tickets and devices and thereby impoverishing our own people. (2) To establish a solvent and reliable home institution . . . . and justice in the distribution of prizes. (3) To provide means to raise a fund for educational and charitable purposes for the citizens of Louisiana. For the payment of $40,000 to the state the corporation was exempt from all state, parish, and municipal taxes and licenses. Two bills, one in 1871 and the other in 1875, creating a Charity Hospital Lottery Association, were introduced into the legislature, but were not enacted. See *House Journal* (1871), p. 38, and *Senate Journal* (1875), p. 146. Advertisements of the lottery stressing the educational and charitable feature read as follows: "Louisiana State Lottery. A splendid Opportunity to Win a Fortune. Good Monthly Drawing at New Orleans Tuesday, Aug. 9. This Institution was Regularly Incorporated by the Legislature of the State for Educational Purposes in 1868 with a Capital of $1,000,000 which has since added a Reserve Fund of $350,000. Capital Prize $100,000. Whole Tickets $10." (*Weekly Advocate,* Baton Rouge, July 12, 1878).

[4] *Louisiana Laws* (1869), p. 106. The Bureau of Immigration, first created in 1866, reorganized in 1869, and re-enacted in 1874, together with provisions "for the government supervision and protection of immigrants arriving at the port of New Orleans; to save the state harmless from the importation from foreign countries of such persons as are apt to become a charge upon the state," might have developed that protective machinery so needed in the handling of the immigrant problem. However, adequate appropriations were never made by the legislature, and in 1877 the board reported that the office was totally without income for its support and had to depend solely upon the volunteer subscriptions of New Orleans merchants and other public-spirited citizens to pay expenses, while the officers served without pay. See *Annual Report of Board of Immigration* (1877).

United States government.[5] In addition, a new responsibility was placed on the hospital in 1870 when, after the discontinuance of the Freedmen's Bureau, the old Marine Hospital, which was used by the federal government for these patients, was put under the administration of Charity Hospital.[6]

Estimates as to the total cost of maintaining the entire hospital unit adequately varied. The Committee on Public and Charitable Institutions reported in 1875 that the daily per capita cost was 39 cents, as compared with 91 cents for the hospital in Cincinnati; 85 cents for that in Buffalo; 72¼ cents for that in Louisville.[7] But the chaotic conditions of the hospital's financial affairs and the instability and depreciation of the state currency make it impossible to estimate per capita costs. Appropriations for the hospital run as high as $100,000, $140,000, and $175,000 between 1870 and 1875, paid in state warrants. But the Board were obliged to sell these at great discount, usually realizing only about 50 cents on the dollar.

In 1873 the Board commented as follows:

> The administration regret to say that the financial condition of the institution has become embarrassed by a heavy debt contracted during three years. . . . . The appropriations made in return for cash, were quite liberal, but the state warrants in which they were received kept continually depreciating in value. In 1871 the loss by discount on state warrants (sold at little over 50 cents on the dollar) amounted to $79,628.25—a sum which in cash would have paid the whole expenses for the year. Of the appropriation made at the last meeting of the general assembly, amounting to $155,000, there are $97,500 in warrants still on hand. They are worth at the present value about $40,000 and the debts of the institution, as shown by the treasurer's report, amount to $115,830.40,

[5] *Report of the Board* (1868), pp. 5–7; *ibid.* (1871), pp. 9–10.

[6] The first Freedmen's Bureau was created March 3, 1865, and a supplementary act to continue it was passed over President Johnson's veto July 16, 1866. Among other provisions under the act the secretary of war could direct the issue of provisions, clothing, and fuel to destitute and suffering refugees and freedmen and to their wives and children. President Johnson in his veto message justified the Bureau as a war measure only and with the cessation of hostilities recommended civil rather than military control of personal and property rights of the emancipated negroes. Furthermore, it was evident that there existed mismanagement and corruption in the administration of the local bureaus and that the welfare of the freedmen was not always the end in view. See *Messages and Papers of President Johnson,* VI, 422; W. L. Fleming, *Documents in Regard to Reconstruction,* pp. 4, 6.

[7] *House Journal* (1875), p. 127.

leaving a balance of debt due amounting to $65,532.36 on the first of January of this year.[8]

By 1875 the situation was, if possible, more acute than ever. An appropriation of $89,534.29 to pay some of the indebtedness of the hospital was enjoined by the attorney-general, leaving creditors unpaid. Only the personal credit and standing of the indvidual members of the Board and the good will of the merchants kept the hospital open.[9] Difficulties in collecting the tax on concerts and balls was increased as the mayor of the city often failed to require the receipt of the treasurer of the hospital. In an effort to evade the tax, public balls were held as private entertainments. The report of 1876 commented as follows:

> The duties of the License Inspector of the hospital are somewhat onerous and difficult. He has to go abroad in the night and is frequently obliged to intrude upon parties enlivened by dance and drink, because managers of certain dance houses and places of revenue purposely pay as the law directs. . . . . Therefore recommend to amend the act authorizing the collection of the Hospital licenses so as to invest the inspector in the discharge of his duties with proper police powers, subject to the orders of the Chief of Police and the Board of Administrators.[10]

The period of Reconstruction in Louisiana officially ended April 24, 1877, and with the withdrawal of the United States troops the state was again under a government of its own citizens. The new Board of Administrators found the hospital affairs completely disorganized. Bedding, provisions, drugs, and other necessaries for the patients were totally exhausted. The credit of the hospital could not purchase a pound of flour or of salt. The buildings were found in a most dilapidated condition, with the floors, walls, and roofs, unsafe in spots. The confusion in which the accounts were found made it impossible for the new Board to determine the true state of affairs.[11]

Important changes in the financing of the hospital were then inaugurated. The constitution of 1879 extended the scope of the lottery as a means of furnishing revenue for the state, but provided that all charters were to expire January 1, 1895, from which time all lotteries were to be prohibited. This time the tax against the Louisiana Lottery was transferred from the educational fund to Charity

[8] *Report of the Board of Administrators* (1873), pp. 9–11.

[9] *Ibid.* (1875), pp. 11–23.

[10] *Ibid.* (1876), pp. 17–36.

[11] *Ibid.* (1877), pp. 7–9.

Hospital. Other sources of revenue which were to prove fruitful were those from slaughter-house fees[12] and auctioneers' licenses.[13] However, in 1884, the hospital found it necessary to appeal to the public for funds, and the sum of $32,000 was realized.[14]

As was the case in the collection of gambling license fees, the auctioneers evaded the law, thus involving the hospital in litigation. In 1883 the treasurer reported that following a Supreme Court decision[15] in favor of the hospital in which the court ruled that auction sales included all property involved in succession, insolvent, and judicial sales, collections increased from $396.70, collected in 1882, to $15,994.83. However, that same year the hospital attorney was forced to institute suit against two local theaters for failure to pay the $100 tax required by law.[16]

However, the severest financial disability from which the hospital suffered was the continued discount on state warrants. In 1884 these brought 60 cents on the dollar when disposed of on the market. But the Board, rather than accept such a serious loss, pledged their individual credit and waited for a more favorable discount. The following excerpt from the report of 1886 indicates the difficulties:

> In round figures the Hospital has received from the state in such assets $43,750 for the entire year. The full sum of these warrants has been hypothecated by the Louisiana National and Hibernia National Banks for equal amounts of $21,875 each, on which has been borrowed a total outstanding sum of $27,625 or about 63 cents on the dollar. These loans to the hospital are liable to be called for at any time and in that event the warrants would have to be sold at the best market price. At present their value is normal in character with hopes of an improvement at an early date.

Emphasis has been placed upon the financial aspect of administration during the early Civil War and Reconstruction periods of the hospital. Equal attention will not be given to the other phases of its development. No attempt will be made to recount the various additions and enlargement of the plant made from year to year. During the last fifty years there has been a great expansion in the

[12] *Louisiana Laws* (1880).

[13] *Ibid.* (1882), p. 63.

[14] *Report of the Board of Administrators of Charity Hospital* (1884), p. 12.

[15] *Board of Administrators of Charity Hospital* v. *C. E. Girardey*, 36 La. Ann. 605.

[16] *Report* (1883), p. 17.

field of medicine, and the story of the evolution of modern medicine might be reflected through an account of the changing medical and surgical care of the patients. Especially interesting are the changes inaugurated by the more vigorous and enlightened house surgeons, those of Dr. A. B. Miles during the later part of the century being among the most notable. The relationship of the hospital and its visiting staff to the Tulane Medical School and to the medical profession in New Orleans and throughout the state is also historically important. But the professional administration of the hospital and its out-patient department is considered outside the scope of this study.

The hospital, which in 1832 when the "New Hospital" was erected had a bed capacity of 400, had increased in 1884 to 700 beds and cribs distributed in 52 wards. The same year the consultation clinics were organized for the outdoor poor and 8,769 were treated in them the first year.[17] Separate buildings to house the out-patients were not constructed until 1891.[18] The completion of the Miles Amphitheater in 1895, which offered better facilities for operating, was considered a landmark. In 1897, a square of ground adjacent to the hospital was obtained at a cost of $58,000 and plans for the "Greater Charity Hospital" inaugurated. Another important addition, which must be noted, was the opening of the Children's Hospital in 1899.[19]

A change in the appointment of the Board of Administrators enacted in 1890 provided for a revolving Board. Two members were appointed for one year, two for two years, two for three years, and

[17] *House Journal* (1884), p. 304.

[18] *Louisiana Laws* (1891), p. 186. *The Report of the Board of Administrators of Charity Hospital* for 1891, pp. 34–35, comments as follows: "The completion of the outdoor clinic buildings as detailed in the report of your special committee is an event of great importance in the work of the year. The necessity of separating the indoor and outdoor service has been imperative for many years. The new clinics provide for the treatment of all the general and specific diseases occurring among women and children. The same facilities are offered colored and white, but the races are separated in some clinics, outdoor clinics are established for the poor, and it must be understood by those who come here for relief that they cannot afford attendance elsewhere. There should be no conflict between the work of medical relief for the benefit of the poor and the advocation of the physicians of New Orleans."

[19] This was made possible through a donation of $200,000 from Mrs. Richard Milliken.

two for four years.[20] In 1892, owing to the crowded condition of the hospital, the pay wards were abolished and it was left optional with patients to pay or not as their circumstances permitted.[21]

Annual inspection on the part of the Joint Senate and House Committee was cursory, as must be the case when a lay group attempts to pass upon technical matters. When, following a visit to the hospital, the Committee reported as follows, it is doubtful how valuable were their views:

> Thorough examination of the surgical, medical and obstetrical wards, also the domestic and mechanical department. There was found cleanliness, system, and economy. Ranks with the first hospital in the land. There were present 580 patients. All were provided for.[22]

Recommendations made by the house surgeon and Board of Administrators were usually accepted and passed on to the legislature.

The employment of trained nurses and the inauguration of a training school for nurses was one of the delayed accomplishments of the nineties. Since the installation of the Sisters of Charity in 1834, the use of the "Sairey Gamp" type of untrained and incompetent assistants had continued. The local medical journal comments as follows on the situation:

> At the hospital, however, the medical men do not select the nurses; the nurses are usually recruited from the ranks of the convalescent patients. Competency or ability to nurse is not asked for and not expected. The nurses are picked out by the Sisters of Charity who attend to the domestic affairs of the hospital for which the hospital pays a certain sum. The nurse who receives pay is the one in the pay ward. There is a belief abroad in the land that the sisters themselves do the nursing. These excellent and pious ladies are housekeepers of the hospital, on pay. It is difficult to understand why they exercise the power to appoint the nurses, or how they managed to acquire the power. It is certainly wrong for them to exercise such a purely medical function; and how can they be expected to judge of the competency of the nurses they select when they themselves know practically nothing of nursing? That is an anomalous state of affairs; it has existed for a number of years and every physician in the city knows it and deplores it. . . . . Careful nursing plays an important part in all diseases and particularly so in acute infections. It would be interesting to know how many lives are annually sacrificed in the Charity Hospital upon the altar of careless nursing and the question arises, Who is to blame?[23]

[20] *Louisiana Laws* (1890), p. 186.

[21] *Report of the Board of Administrators of Charity Hospital* (1892), p. 12.

[22] *House Journal* (1882), p. 188.

[23] *New Orleans Medical and Surgical Journal,* XXIII (1870), 440.

The Board, influenced by reports from many hospitals throughout the country, initiated a movement to have a school of nursing established at their hospital. Unfortunately, the step met strong opposition and was looked upon as a move to undermine the authority and status of the Sisters of Charity in the hospital. So serious did the issue become that upon the death of Governor Louis A. Wiltz in office and the succession of Governor Samuel D. McEnery to the unexpired term, the resignation of the Board of Administrators of the hospitals was demanded. A new Board with the exception of one member assumed control and immediately elected a new house surgeon. During the years of 1881 and 1882 about $2,200 of the funds of the hospital were expended in connection with the rental of a building and equipment to be used as a training school. So serious did the conflict between the Board of Administrators of the hospital and the Board of Directors of the training school become that proceedings were instituted in the Civil District Court of the parish for the reimbursement of the funds. Finally, with the appointment of the new Board the effort to secure trained nursing service was dropped.

However, in 1889 a small group of women, members of the Ladies Unsectarian Aid Association, which served as the local charity organization, organized, together with the help of seven physicians, another training course for nurses. Rooms in a building secured by them were equipped as a ward and a doctor from the Philadelphia Training School was secured. In spite of the general sentiment that such an experiment was doomed to failure, seven students enrolled. A series of lectures was offered and the course covered "food and medicine, obstetrical and gynecological nursing, the elements of anatomy and physiology, surgical bandaging and dressing."[24] Requirements for admission included a certificate as to health and character and the elements of a fundamental education. In 1891, four students had creditably passed the examination and were graduated. But the lack of adequate facilities for hospital practice became only more apparent, and apparently there was considerable criticism because of this.[25]

[24] *Sixth Annual Report of the Ladies Unsectarian Aid Society* (1890), p. 5.

[25] "H. Sophie Newcomb Training School for Nurses and the H. Sophie Newcomb Sanitarium for Women and Children," *ibid.* (1892), p. 14.

Finally, in 1894, a training school was organized in Charity Hospital. The consent of the sisters in charge was not secured until the head of the order in Emmettsburg, Pennsylvania, gave approval. The School was organized under the direction of the head sister and a graduate of Bellevue Hospital, New York, was secured as director.[26] The first group of nurses completed this training December 11, 1895.

Old problems affecting the standard of care of the patients persisted. Probably none was so influential in lowering the grade of medical and nursing care furnished the patients as that of overcrowding. Seasonal fluctuations in health and increased sickness in epidemic years, however much to be regretted, were legitimate causes for periodic overcrowding of the wards of the hospital. But it was the housing and care of the able-bodied, the young, the aged, and infirm, for lack of any place to send them, that continuously kept the standard of the hospital perilously near that of an almshouse. Funds and personnel needed to furnish specialized service for the sick were necessarily spent on housing and feeding the well. Whether the enactment of the Poor Law of 1880 had any marked effect upon the number cared for in the hospital is doubtful.

The use of the hospital as an almshouse prior to the Civil War has been dealt with. By 1871 this problem together with the admission of patients from other states was particularly acute. The report says:

> All states in the Union containing cities of any magnitude except the state of Louisiana have found it expedient for their protection to enact laws preventing the introduction of paupers and disabled persons without means who are certain to become a tax on the community. No state or municipal law has yet been made to prevent this great evil. . . . . The neglect on the part of our city government to regulate the unrestrained introduction of indigent and disabled persons from all parts of the country, as well as the neglect to provide proper asylums for this large class of mendicants has been the cause of converting this institution into an almshouse, impairing its usefulness as a hospital and diverting it from the legitimate purpose for which its funds intended it. . . . . It is apparent that the admission of paupers into a hospital only increases the evil; they feign sickness and beg for medicine which they do not take but secrete and throw

[26] An exception was made that the sisters who underwent training were to be excused from obstetrical and gynecological nursing (reminiscenses of Dr. Ernest Lewis).

away. They are constantly talking of being neglected and of the inability of the doctors to cure their pretended maladies.[27]

In 1880 the house surgeon again made his plea for the provision of other facilities. Among the 534 patients in the hospital, 110 were utterly incurable suffering from epilepsy, blindness, and old age. The hospital was greatly overcrowded. Four thousand eight hundred and eighty-four persons were admitted and 4,140 discharged during the year. Extra beds and pallets were placed on the floor of the wards to care for them.[28] In 1883 the house surgeon reported that there were 623 beds and cribs in the buildings. This number exceeded by 100 the number which the cubic capacity of wards properly allowed. All beds were occupied and patients slept on the floor.[29] In 1894, although there was no epidemic, the number of admissions was the largest in twenty-four years and reached 9,064 patients in the hospital and 19,945 in the out-patient department.[30]

Reforms instituted during the twentieth century, viewed in the light of the best in modern hospital administration, appear too long delayed. Considered in perspective and related to local conditions and resources, they indicate definitely increased standards of service. But quite aside from the need for larger appropriations making possible a higher per capita expenditure, many important problems remain unsolved, and the need for legislative action and consideration of the whole public welfare program of the state stands out paramount. Perhaps no one single item of greater importance can be recorded than that in 1905 New Orleans and the state experienced its last yellow fever epidemic.

Important additions to the hospital unit have been built, and it is interesting to note that some of the most important of these were made possible by private donors rather than through state appropriations. In 1902 the Hutchinson Memorial Home for Nurses was completed at a cost of $50,000. A gift of approximately $200,000 built the Delgado Building, which has three operating rooms and bed capacity for 140 patients. Mrs. John Dibert has been the largest single donor to the hospital. In 1926 the Dibert Building for

[27] *Report of the Board of Administrators of Charity Hospital* (1871), pp. 5–6.

[28] *Ibid.* (1880), pp. 7–8.

[29] *Ibid.* (1883), p. 9.

[30] *Ibid.* (1894), p. 36.

tuberculosis patients was erected at a cost of $450,692.26. She has also built a home for the Sisters of Charity costing $175,000. The McBurney estate, which has recently been settled, bequeathed to the hospital more than $500,000, the interest from which is to be used for the maintenance of a tuberculosis hospital. The Board of Administrators has recently established an endowment fund in the hope that such a fund will grow to substantial proportions in time. Tentative plans for the erection of entirely new fireproof structures, involving an expenditure of $3,500,000, have been formulated. The House Committee and the recent Boards are unanimous in the opinion that to continue to add to and repair the old buildings comprising the main hospital is but a waste of the state's money. No legislature, however, has yet undertaken the solution of such a financial burden.[31]

Income from licenses fluctuates and always remains an uncertain amount from year to year. For instance, in 1908 the shrinkage from auctioneers' fees amounted to $81,908.08, and from other license fees, $1,890.[32] It is interesting that as recently as 1926[33] the legislature re-enacted legislation, taxing a long list of amusements for the benefit of the hospital and placing the administration of systems directly upon the hospital. The list includes public balls, concerts, dances, theaters, moving pictures, shows, vaudeville, circuses, menageries, traveling or road shows, races, fairs, boxing exhibitions, professional and amateur baseball, football, indoor ball, tournaments, athletic exhibitions, golf and tennis, etc., conducted in the parishes of Orleans and Jefferson, and the parish of St. Bernard to a distance of two miles from the Orleans parish lines. Obviously, such legislation involves the hospital in frequent litigation.

An act of 1924[34] supplementing the Employer's Liability Act of 1914[35] authorizes the hospital to make charges and recover same in cases coming under the act. The patient may be held liable, and the Board is authorized to bring suit against him for the recovery of such charges. The employer or the insurance company may be made codefendant and held liable *in solido* with such patient. The attor-

[31] *Report of the Board of Administrators of Charity Hospital* (1923), p. 12.
[32] *Ibid.* (1908), p. 11.
[33] *Ibid.* (1926), pp. 310–12.
[34] *Ibid.* (1924), p. 193.
[35] *Ibid.* (1914), p. 44.

ney-general is to designate counsel to represent the hospital and such counsel shall be allowed certain fees. In 1928[36] the law was re-enacted, making it the duty of the hospital to give notice to the employer or the insurance company that the patient is under treatment and that charges will be made. The report for 1926 states that the employment of special counsel to investigate delinquent cases brought about increased payment.[37]

During this last period three appeals were made to the public for funds to support the hospital. In 1911, in commemoration of the centennial of Charity Hospital as a state institution, the citizens of the state organized a fair held from December 11 to 16, which netted the hospital approximately $35,000.[38] Again in 1915, following a special meeting of the Board of Administrators at which a resolution stating the urgent need of funds was issued, the Charity Hospital International Fair was held and a sum of $53,193.12 collected.[39] The last appeal was particularly successful. During the legislative session of 1922 the Board, with the assistance of the visiting staff, made persistent efforts to obtain funds for the housing of the internes and additional quarters for the nurses. Failing in their efforts with the legislature, an appeal was made to the public early in 1923. However, conditions arose which caused the Board to abandon its original object and a state-wide appeal to remedy the crowded condition of the wards was substituted through which approximately $300,000 was raised.[40]

One of the outstanding steps in recent years was taken by the Board of 1912 under the reform administration of Governor Hall. Expert advice in the making of a survey of the hospital was sought and out of the recommendations of this study came the appointment of a full-time superintendent, responsible for the management of the hospital in place of the part-time house surgeon, and the complete reorganization of the visiting staff. The number of internes was increased from 31 to 36. Other recommendations regarding the

[36] *Ibid.* (1928), p. 34.

[37] P. 20.

[38] *Report of the Board of Administrators of Charity Hospital* (1911), p. 22.

[39] *Ibid.* (1915), p. 12.

[40] *Ibid.* (1923), pp. 11–12.

pathological laboratory and the housing of employees were also carried out by the Board.

Another major recommendation was the organization of a social service department. In 1915[41] a Women's Auxiliary group organized for "the purpose of aiding needy patients discharged from the hospital." Out of this grew the Social Service Committee and later the social service department. For the first few years the hospital supplied only the office space, telephone, light, and heat. Salaries, office supplies, and other expenses were met by annual subscriptions and the proceeds of a bazaar held at a private home.[42] During 1921 this group disbanded and turned over $4,534.37 on hand to the treasurer of the hospital at which time a reorganization was effected.

Increase in the number of patients from 1900 to 1928 is, of course, the crux of the Board's major problems. In 1900, 8,301 hospital patients and 19,055 clinic patients received treatment, with 74,955 given consultation service. By 1928 this has increased to 31,363 hospital patients with a bed capacity of 1,732. Out-patient cases are reported as 72,537, while 260,054 received consultation service. The yearly increase in daily per capita cost cannot be stated accurately. In 1915, the appropriation requested, namely, $327,632, was based upon a $1.00 per capita cost. In 1928 this is given as $1.70.

The old evil, namely, crowding of patients, is still acute. In 1926 the superintendent reports: "At all times during the year there were two in a bed in some of the wards, and in a few instances almost the impossible was accomplished by placing three adults in a bed."[43] Such a situation immediately raises the question of "eligibility" on the part of state authorities and provokes much discussion locally regarding "medical abuse" among the medical profession.

[41] *Ibid.* (1915), pp. 13–19.

[42] *Report of the Social Service Department* (1917), p. 1.

[43] *Report of the Board of Administrators of Charity Hospital* (1926), p. 20. For a discussion of this subject, see "Report of the Hospital Abuse Committee," *New Orleans Medical and Surgical Journal,* lxxviii (1925–26), 775. The superintendent's report for 1924, p. 13, states: "It has been the boast of Charity Hospital that any indigent Louisianian applying at its door would be admitted. A noble sentiment and one that we hope to continue. Some few patients have been denied admission temporarily during the year for the physical condition prevented three adults from occupying a single bed."

Throughout the long years of its existence no restriction was placed upon the numbers seeking admission. In fact, legislative committees and members of the Board have from time to time expressed considerable sentiment and pride regarding the free treatment at all times available to the poor of the state. However, in 1924[44] the legislature authorized the Board to study the problem of hospital abuse. How this study was conducted is not reported, but in 1926 the so-called Hospital Abuse Bill,[45] making it a misdemeanor for patients able to pay to receive treatment at the hospital, was enacted. A questionnaire to be filled out prior to admission, except in cases of emergency, made the declaration of destitution a condition for eligibility. The report of 1928 gives no very definite statement as to how the law is enforced.

[44] *Louisiana Laws* (1924), p. 193.

[45] *Ibid.* (1926), p. 77.

CHAPTER VII

HISTORY OF THE SHREVEPORT CHARITY HOSPITAL

Not long after the Civil War state care for the sick poor was extended. However, the Shreveport Charity Hospital as a state institution offers little that is of historical interest compared with the older institution in New Orleans. Located in Caddo parish in the northwestern part of the state, it suffered for many years neglect on the part of the legislature. Complete reports are lacking and little historical material either from House or Senate *Journals* or reports of the State Board of Charities and Corrections was available.[1]

The Shreveport Medical and Surgical Infirmary was organized in 1867 by three local physicians as a private institution. That year the serious floods throughout the Red River Valley and a severe yellow fever epidemic made urgent some provision for the care of victims of these two disasters. One of the physicians entered into an agreement with the city council of Shreveport and the parish of Caddo for the care of these patients.[2] Later a formal contract with the city and parish authorities provided that all local indigent patients should be cared for on a per capita basis. In 1867[3] the state legislature appropriated $10,000 as a loan "for the benefit of indigent patients."

Three years later the legislature passed an act to establish the Charity Hospital of the city of Shreveport and directed that one hundred bonds of $1,000 each be issued to finance the institution. It further stipulated that the city of Shreveport cede to the state a suitable site for the location of a new hospital "to be devoted to the gratuitous assistance of all the sick and destitute persons."[4] That

[1] The 1906 report of the Board of Administrators was the earliest obtained. *Chronicles of Shreveport,* by O'Pry, gives a very brief statement of the founding of the hospital.

[2] Their names are given as Dr. Williams, Dr. Cutliff, and Dr. Clay (*Report of the Board of Administrators* [1908], p. 5).

[3] *Louisiana Laws* (1867), p. 233.

[4] *Ibid.* (1870), pp. 24–26.

popular provision for providing revenue by taxing public amusements, i.e., theaters, circuses, menageries, and exhibitions, was included in the act.

A Board of Administrators, consisting of the president of the police jury of Caddo parish, the mayor of Shreveport, and five persons to be appointed by the governor, left the administration of the hospital largely in local hands. The Board was directed to meet once a month and two members were to be designated to visit the institution at least twice a week. A register of names similar to that kept by Charity Hospital of New Orleans was required and a tableau extracted from the register exhibiting the nature of the disease, the number of patients admitted, the number who died, who were cured or discharged was to be annexed to the report to the General Assembly.

In 1874 a further sum of $20,000 was voted for the erection of a building, but according to the legislative report of 1876 none of these funds was ever issued or used.[5] In 1876 another legislative act made the hospital more definitely a state institution and provided:

> That there shall be established in the city of Shreveport in the parish of Caddo a Charity Hospital to be maintained at the expense of the state for the reception of medical and surgical treatment of the indigent and destitute sick and wounded persons without distinction of race or color, said hospital to be known and designated as the "Shreveport Charity Hospital."

A sum of $10,000 was then appropriated.[6] The next year the amount dropped to $7,500, but from 1878 until 1884 $10,000 was regularly appropriated to the institution. In 1884 this amount was doubled, one-half being designated for building purposes and the other half for maintenance.[7]

In 1886, nearly twenty years after the first state appropriation, the Legislative Committee on Charitable and Public Institutions made its first enlightening report upon the equipment and management of the hospital. They found it located in a dilapidated school building on the edge of the city. The equipment was totally inadequate and the twenty-six patients under the charge of a visiting physician, who, though well qualified, was forced to leave them in charge of three young men. The Board had no regular time of meeting, and

[5] *House Journal* (1876), p. 222.

[6] *Louisiana Laws* (1876), p. 77.

[7] *Ibid.* (1884), p. 332.

there was general dissatisfaction in Shreveport over the state of affairs. While the hospital was almost wholly supported by the state, only three of the five administrators were appointed by the legislature. The Committee regarded the hospital as necessary to the section of the state in which it was located, but recommended a thorough overhauling and reconstruction. The appointment of a superintendent, whose services with those of his wife could be secured for the same salary paid the visiting physician, was recommended; also an increase in the number of Board members from five to seven persons.[8]

An act of that year followed these recommendations and changed the membership from five to seven persons, citizens and residents of the city of Shreveport and the parish of Caddo, all to be appointed by the governor.[9] The legislative Committee of 1888 thought the conditions much improved under the new Board. A new building with all modern conveniences was erected and about 515 patients treated during the two years. An annual appropriation of $15,000 was recommended for maintenance.[10] However, only $7,000 was furnished annually for 1889 and 1890, with an additional $5,000 for the completion and furnishing of the hospital.

During the next decade the number of patients increased to a daily average of from 200 to 225 and appropriations rose to $19,000 per annum. But the continued neglect of the institution by the legislature, resulting in totally inadequate funds, only grew more apparent. The furniture and equipment was found to be of the cheapest quality and an ordinary family cookstove the only means of preparing the food of the patients. The upper story of the main building remained unfinished and all the buildings in need of paint. State warrants of 1888 brought only 49 cents on the dollar, and during 1889 the institution would have been forced to close if Captain Levy had not authorized the Board to draw upon him to the amount of $3,100. Bills for milk and butter were found to have accumulated for the previous ten or twelve years and in addition debts[11] were due for foodstuff ($900.54), drugs ($1,900.54), and salary ($500), amounting to nearly $4,400.

[8] *House Journal* (1886), p. 311.
[9] *Louisiana Laws* (1886), p. 187.
[10] *House Journal* (1888), p. 18.
[11] *Senate Journal* (1890), p. 275.

The legislative Committee report of 1900 emphasized the lack of fire protection and the very insanitary conditions throughout the hospital. The method of heating the wards by coal stoves was found dangerous and expensive, especially in a wooden structure protected only by a shingle roof. The building had no dining-room, and a hallway without light or ventilation was used for this purpose. The Committee particularly condemned the whole sewerage system, and of the eight closets adjoining the wards found only one in working order, while the stench caused by frequent overflows was reported as unbearable.[12]

During the next ten years state appropriations increased to $37,500 annually. The increase in the daily average of patients was not great, numbering under 250.[13] Per capita costs were figured exclusive of salaries and wages. The governor, in his message in 1910, explained that the secretary of the Board followed the custom of his predecessor in deducting the amount of the pay-roll and warned against comparisons of the reported per capita costs with those of the New Orleans Charity Hospital. The daily average of patients was given as 214 in 1907 and 237 in 1908; the corresponding daily per capita costs as 29.5 cents and 22.4 cents.[14]

During this period the Board was active in its effort to secure a ward for tuberculous patients, and in 1908 the State Federation of Women's Clubs urged an appropriation of $20,000 for this purpose.[15] Not until 1914 were funds appropriated, and then only to the amount of $4,500. But a separate ward was not built, and in 1918 the unused funds were divided, $2,500 for the building of a laundry and $2,000 to be expended for "a tuberculosis ward located at any suitable place in the parish of Caddo." But adequate facilities for the treatment of tuberculous patients in this part of the state remain unsolved. The problem as it presents itself to the hospital is commented on as follows in the report for 1922–23:[16]

[12] *Ibid.* (1900), p. 102.

[13] As complete reports of the hospital are lacking, it is impossible to state the number of patients from year to year accurately. The figures given in the legislative reports often appear inaccurate.

[14] *Senate Journal* (1910), p. 16.

[15] *House Journal* (1908), p. 169.

[16] P. 17.

. . . . The first notice the hospital gets is a telephone message from the railroad station that a patient has been brought in by train; the ambulance brings him to the hospital, the examining physician finds he is tuberculous, incurable or perhaps an idiot; he has no money, no friends and no responsible relatives; ordinarily his railroad fare to Shreveport has been paid by taking up a collection or by some public spirited citizen. There is no place for him to be cared for and despite all our efforts to find some other agency to care for these patients this is frequently impossible and they must be admitted only to become a serious menace to the other patients in the hospital, if tuberculous, or to become a more or less permanent resident if simply an incurable, thereby using up facilities cruelly needed for other patients for whom some measure of relief is possible.

From 1910 to 1920 appropriations rose from $37,500 to $75,000, with no corresponding increase in patients. Much was done to modernize the institution. Appropriations by the legislatures of 1920, 1921, and 1922 made possible in 1922 the building of a much needed nurses' home at total cost of $93,000. A training school for nurses was therefore developed that meets the requirements of the State Board of Nurses Examiners, and during 1926–27 there were 52 nurses in training.[17] In 1922 the out-patient department was opened on the first floor of the south wing and 448 were treated there the first month.[18]

The report of 1922–23 frankly faced the inadequate facilities of the hospital to meet the needs of the growing population of the northern and western sections of the state. It commented as follows:

This hospital normally serves all the portion of the state lying north of a line drawn from the southern end of Concordia Parish through Bunkie to De Quincy. This area comprises one-third the population of the state and one-third the general property valuation; but despite the great increase in population in this district, especially in the northwestern portion, there has not been any increase in the size of the hospital in over twenty years. As a result the wards are at all times seriously overcrowded resulting in grave interference with the welfare of the patients. There has been no time in the last three years that every patient had a bed. Many were accommodated two in a bed, or on pallets. It is not unusual under the circumstances to have forty patients in a twenty-four bed ward. While there has been no accurate determination of the harm done patients by this neglect, it is certain that it has been great and that such a condition is inexcusable. Some idea of the inadequacy of this hospital may be

[17] *Report of Board of Administrators* (1926–27), p. 10.

[18] *Ibid.* (1922–23), pp. 13–14.

gained from the fact that, though it is common knowledge that the facilities of the Charity Hospital at New Orleans are greatly inadequate, still the Shreveport Charity Hospital is endeavoring to serve a population one-half as large with less than one-fifth as many beds. In addition to the inadequate space, the buildings were built over twenty years ago and are entirely of frame construction except for the exterior walls. Repairs have never been kept up and the buildings have been abused in various other ways so that they exist today unsightly, insanitary and veritable firetraps. Should a fire gain any headway in any portion of the hospital, a loss of less than eight or ten lives must be considered as simple good luck.[19]

A very definite plan for expansion to a 500-bed hospital to serve the estimated population of 700,000 is set forth. The erection of a new up-to-date plant on a new site looking toward further expansion would undoubtedly prove more efficient, less expensive, and better public policy in the long run. The growth of the city, the heavy traffic near the hospital, and a rapidly encroaching business section combined to make the present location undesirable as well as too valuable to be used as hospital property. It was estimated that a value of from $150,000 to $200,000 could be placed upon the present property, and that several better and larger sites could be secured for much smaller amounts. But the alternative plan of gradual rebuilding and expansion of the old hospital was recognized as more likely to appeal to the legislature. A four-year program which would provide a 510-bed hospital at an estimated cost of $1,015,000 was outlined.[20]

However, an entirely new Board and a new superintendent took over the administration of the hospital December 18, 1924, and reported that because of the resignation of many of the staff an adequate organization was not practicable until July 1, 1925. A change in the law, making the membership on the Board an overlapping one, was recommended. A different conception of the needs of the state was apparently held by the new group as a 500-bed hospital was then reported as not needed and plans were based on the care and treatment of 300 patients a day. An appropriation of $240,000 made in 1925 made possible the building of galleries around the ward, fireproofing the hospital, and the erection of a service building

[19] *Ibid.* (1922–23), pp. 14–15.

[20] *Ibid.* (1922–23), pp. 15–17.

and a power plant.[21] Plans for further expansions outlined by the previous Board appear to have been abandoned for the time.

Adequate funds for building, repairs, and maintenance remain the ever pressing problem but the discrepancy between budget requests based on a per capita cost and legislative appropriations has been corrected. It will be recalled that the legislature in the early act of 1870 attempted to secure some measure of local financial support through the license tax on local amusements in the city of Shreveport and the parish of Caddo. But local support has become negligible and in 1924–25 amounted to but $1,000,[22] and in 1926–27 dropped to $300.[23] In 1924 and 1925, 10,757 patients were treated, making an average daily population of 199.8 for 1924 and 196.5 for 1925, with a per capita cost per day of $2.37 and $2.45, respectively.[24] In 1924–25 the patients numbered 29,367 and in 1926–27 increased to 37,891.[25] The superintendent's estimate of the needs for 1928 included $226,800 for the maintenance and treatment of 300 patients[26] based on the 1927 cost per patient, and additional items of $10,000 to furnish two new wards, and $25,000 for the support of the tuberculosis patients.

Information as to the admission of patients by parish, which is included in recent reports, is important in the light of a state-wide program for the care of the sick poor of the state. Such data covering admissions to the New Orleans and Shreveport Hospitals for 1927 are given in the table on page 76.

The hospital is still without an organized social service department. One worker is reported as functioning in this capacity. In 1924–25[27] the professional status of the hospital was passed upon by the American College of Surgeons and the American Medical As-

[21] *Ibid.* (1926–27), pp. 7–10.

[22] *Ibid.* (1926–27), p. 13.

[23] *Ibid.* (1926–27), p. 13.

[24] *Report of the State Board of Charities and Corrections* (1925), p. 14. The cost of the out-patient department was not reported separately from the general item "professional care of patients."

[25] *Report of the Board of Administrators* (1926–27), p. 10.

[26] The superintendent writes that the number of beds now (November, 1929) is 350.

[27] *Report of the Board of Administrators* (1924–25), p. 7.

ADMISSIONS BY PARISHES, 1927

Parishes	Shreveport	New Orleans	Total
Acadia	.....	141	141
Allen	13	159	172
Ascension	.....	276	276
Assumption	.....	320	320
Avoyelles	4	296	300
Beauregard	50	68	118
Bienville	296	10	306
Bossier	467	.....	467
Caddo	3,338	25	3,363
Calcasieu	31	121	152
Caldwell	39	29	68
Cameron	.....	19	19
Catahoula	6	11	17
Claiborne	254	5	259
Concordia	2	33	35
De Soto	387	3	390
East Baton Rouge	2	441	443
East Carroll	39	53	92
East Feliciana	.....	121	121
Evangeline	4	102	106
Franklin	63	40	103
Grant	92	97	189
Iberia	.....	166	166
Iberville	1	330	331
Jackson	126	12	138
Jefferson	2	1,422	1,424
Jefferson Davis	.....	121	121
Lafayette	.....	195	195
LaFourche	.....	561	561
LaSalle	70	42	112
Lincoln	210	1	211
Livingston	.....	280	280
Madison	69	32	101
Morehouse	93	69	162
Natchitoches	244	43	287
Orleans	6	17,824	17,830
Ouachita	125	84	209
Plaquemines	.....	153	153
Point Coupee	.....	129	129
Rapides	99	313	412
Red River	205	8	213
Richland	132	43	175
Sabine	175	14	189
Saint Bernard	.....	233	233
Saint Charles	.....	172	172
Saint Helena	2	81	83
Saint James	.....	271	271
Saint John the Baptist	.....	251	251
Saint Landry	6	345	351
Saint Martin	.....	111	111
Saint Mary	1	330	331
Saint Tammany	2	450	452
Tangipahoa	.....	944	944

ADMISSIONS BY PARISHES, 1927—*Continued*

Parishes	Shreveport	New Orleans	Total
Tensas	6	28	34
Terrebonne	.....	599	599
Union	78	9	87
Vermilion	1	104	105
Vernon	232	67	299
Washington	.....	254	254
Webster	281	5	286
West Baton Rouge	.....	96	96
West Carroll	72	24	96
West Feliciana	.....	45	45
Winn	66	30	96
Unknown	33	151	184
Other States	42	150	192
	7,467	28,962	36,429

sociation and an A rating was established. This recognition makes it easier for the hospital to secure internes and will doubtless influence the standard of service throughout the hospital.

SUMMARY

The foregoing accounts of the New Orleans and Shreveport charity hospitals bring us to a consideration of a co-ordinated program for the care of the sick poor of the state. With approximately 2,082 hospital beds available, the extension of state care for this group becomes a pertinent question. One of the first points to consider is that of geographic distribution of patients and a districting of the parishes similar to that of the hospitals for mental diseases might be considered.

More important is the question of eligibility, both as to the method of determining it and as to the degree of local versus state responsibility. The plan of having an admitting officer determine eligibility either through questioning of patients or by the use of a questionnaire, as now provided at the Louisiana hospitals, is not adequate in such institutions where the patients come from all parts of the state. Even the minimum of investigation recognized as essential is out of the question. Certification by the proper local official is the other alternative, but the lack of adequate local machinery for this and similar services already discussed brings the discussion

back to the larger problem of an adequate public welfare program for the whole state.

And the question of destitution as a measure of eligibility prompts another question of growing interest to administrators of public hospitals. Increasingly, hospitals find it necessary to accept patients who are in the group able to pay at least a portion of their hospital care. Such a policy involves the determination of degrees of ability to pay and methods of classifying patients. A carefully devised schedule of fees and a standard budget are essential in giving some scientific basis for arriving at costs and the application of such a standard to the individual who is ill must take into consideration his own social, economic, and health problems.

So far statutory provisions make indigence the basis of admission, but undoubtedly in actual practice there has been considerable variation in the income of patients treated. It is a question whether the Board could without legislative sanction adopt some scale of charges and create the machinery for collection. In any event, a far-sighted policy on the part of the superintendent and the Board of Administrators would incorporate into their program a study of experiments along this line in other city and state institutions. The experience of the state university hospitals in such states as Michigan, Minnesota, Maryland, Iowa, Nebraska, California, Oklahoma, and Indiana, where state-wide services are being developed, ought to prove of value to the Louisiana charity hospitals.

Another factor peculiar to these hospitals is their dual function as municipal and state institutions. A recent study of hospital and clinic facilities in the city of New Orleans found that in the case of Charity Hospital, 40.4 per cent of its service is to persons outside the city and 59.6 per cent to residents of New Orleans.[28] Whether the license fees secured for the city are commensurate with the large out-patient service available only to residents of the city is a question.

Probably no one question will be of greater importance to the consideration of public welfare than the development of adequate

[28] "A Comparative Study of Their Expenditures, Resources, Income and Service, under the Auspices of the Council of Social Agencies, 1926," *The Hospitals and Clinics of New Orleans.*

social service departments. Whether or not the present number of workers is sufficient could not be determined without considerable study and perhaps this question is of secondary importance. It is the link between the patient in the hospital and the local community that must be established and maintained if the hospital expects to practice the principles of modern preventive medicine; and for the patients residing outside the cities of Shreveport and New Orleans this implies an extension of social service which will reach into the parishes throughout the state.

CHAPTER VIII

THE CARE OF THE INSANE PRIOR TO THE CIVIL WAR

THE LAW OF COMMITMENT

Historically, the Louisiana laws regarding the insane have followed the general trend of legislation in other states and have been primarily concerned with safeguarding the property rights of the individual and protecting the community from the violence of his acts. Because of the very nature of these acts, such persons have from a very early period been the subject of a certain degree of public supervision and therefore of legislation. Questions of personal liberty, property rights, guardianship, and supervision could not be left untouched by law. But not until the modern conception of the mentally disordered as sick persons evolved did such legislation reflect any conception of treatment.

The Louisiana law embodies the civil law proceeding of *interdiction* and the statutory provision for *commitment*.[1] The Spanish law, as incorporated in the *Partidas,* imposed certain civil disabilities upon the insane; their property rights were protected and the law said: "The madman or idiot is exempt from the penalty of the law for offenses committed during his frenzy or folly."[2] But in the *Civil Code* of 1825 the provision for interdiction and custody was more specific.[3] A relative or consort had the right to petition for interdiction. Where there was none or he did not act, the interdiction could be solicited by any stranger or pronounced ex officio by the judge.

[1] In *Vance* v. *Ellerbe,* 150 La. 388 (1922), the court said: "The law provides two separate proceedings for the dealing with persons of unsound mind. 'Commitment' under *Revised Statutes* 1768 et seq., which is a proceeding for restraining and confining of insane for their own and the public's protection and is ex-parte and in the name of the state; and 'interdiction' under Civil Code Acts 389–426 inclusive, which deals with the civil and property rights of such persons; and the former proceeding is informal and need not be set aside when the patient recovers while the latter is highly formal and requires all the solemnities of contested judicial proceedings, including a formal judgment to restore civil rights after the mental derangement has ended."

[2] Law 21 of the *Partidas,* First Title, p. 10.

[3] Title IV, Articles 383–405, "Of Persons Insane, Idiots, and Other Persons Incapable of Administering Their Estates."

The acts of madness, insanity, or fury must be proved to the satisfaction of the judge and might be established by written or parole evidence. Every sentence of interdiction must be published three times in at least two of the newspapers printed in New Orleans, or made known by advertisement at the door of the courthouse of the parish of the domicile of the person interdicted both in the French and English languages. According to the symptoms of the disease under which the insane person labored, and depending upon the amount of his estate, the judge might order that the interdicted person be attended in his own house or be placed in "a bettering house" or, if dangerous, confined under custody. The income of such person must be employed in the mitigation of his suffering and in accelerating his cure. Every interdiction must be pronounced by the judge of the parish of domicile or residence of the person interdicted. There might be an appeal.

Very early the jurisdiction of the parish court in interdiction cases was questioned and in 1828 it was decided that the court of probate had exclusive jurisdiction.[4] A judgment of interdiction rendered *ex parte* was declared erroneous in 1840. The law required that the person should be notified of the suit with full opportunity to employ his own council.[5] The civil law provision of the family meeting has played its part in the protection of the rights of the insane.[6] Also the *Civil Code* provision regarding the appointment of tutors for minors was embodied in the law.[7]

[4] *Stafford* v. *Stafford,* 5 Mart. N.S. 136 (1828).

[5] *Segur* v. *Pellerin,* 16 La. 63 (1840).

[6] "A Family Meeting should be held and the approval of the court obtained in order that an amount in excess of revenues may be legally expended and charged to the interdict for his support. . . ." (*Succession of Sangfried,* 114 La. 878 [1905]).

"In recommending persons for curatorship Family Meetings are not limited to applicants for the position nor to parties suggested by relatives of the interdict" (*in re Bothick,* 44 La. Ann. 1037 [1892]).

"When the wife of an interdicted person is without means she is entitled to allowance from the income of the estate for her support and the support of her children without the intervention of a Family Meeting" (*in re Leech,* 45 La. Ann. 194 [1893]).

[7] "Under Civil Code Act 204 providing that a person interdicted is in every respect like a minor and under Section 330–33 requiring any tutor appointed except the father or mother, to give security, a husband when appointed curator to his wife interdicted for insanity is bound to give security" (*Woodward* v. *Woodward,* 15 La. Ann. 162 [1860]).

The law of 1847 definitely provided for the commitment of the insane to the newly established asylum at Jackson. It reads as follows:

That hereafter whenever it shall be made known to the judge of the district wherein said party resides by the petition and oath of any individual that any lunatic or insane person ought to be confined in the Insane Asylum of the State, it shall be the duty of the district judge to issue a warrant to bring before him said lunatic or insane person and after proper inquiry into all facts and circumstances of the case, if in his opinion said lunatic or insane person ought to be sent or confined in said Insane Asylum he shall make out his warrant to the sheriff of the parish in which said lunatic or insane person may reside commanding him to convey said lunatic or insane person to said Insane Asylum for which duty the said sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of convicts to the penitentiary of the state, which shall be paid out of the parish treasury under the order of the district judge and likewise all other expenses previously incurred in bringing said insane person before said district judge and the said district judge may hear the case in chambers and decide summarily.

Thus the determination of insanity made final in a court of law was not necessarily based upon the findings of medical experts and "after proper inquiry into the facts and circumstances of the case" might or might not include the opinion of physicians.[8] The process of trial by jury was omitted.[9] Although a legal commitment deprived the person of constitutional rights of freedom, as is the case in most states, no *term* of commitment was specified, the presumption being a detention until cured.

[8] "In passing on the issue of interdiction of a party for insanity the court will not be controlled by the opinion of experts, but giving to them a respectful consideration and to every fact bearing on the issue its legitimate weight will form and decree its own conclusion" (*Francke* v. *His Wife,* 29 La. Ann. 302 [1877]).

[9] The jury was by many advocates considered an essential protection in the commitment proceedings. In a paper read before the Conference of Charities and Corrections by Dr. Nathan Allen, an authority of the time, the process was regarded as a trial necessitating the presence of the jury. He said: "The law stipulates that the vagrant and criminal cannot be punished without trial by the judge or jury. Should the law provide greater safeguards and stronger defenses for the vicious and criminal than the innocent and unprotected insane? It is true that in most states the laws do provide for trial and appeal to courts in behalf of the insane but how seldom is this protection resorted to?" (*Proceedings* 1876, p. 49). See also *Proceedings American Medico-Psychological Association,* XIX (1912), 197, Richard Dewey, "The Jury Law for the Commitment of the Insane in Illinois (1867–93), and Mrs. E. P. W. Packard, Its Author."

A definite limitation upon the police powers of the state to commit a person unless dangerous to himself or others by reason of violent and irresponsible acts was set forth by the Louisiana court in a case arising in 1870.[10] The facts were that Mrs. Francke, who was committed and sent to the Jackson asylum in 1869, was released in 1870 on a writ of habeas corpus through the action of her mother. Two different commissions appointed by the court to examine Mrs. Francke concurred in pronouncing her unable to take care of her personal interests or to manage her property, but were unanimous in declaring her not insane. They found her condition one of weakness of mind; she was *pauvrée d'esprit*. The court found that mere weakness of mind in the defendant did not justify a decree of interdiction when in view of all evidence adduced such decree was not necessary either for the protection of the defendant's person or of society.

A more modern law was passed in 1918 introducing into the law a provision requiring expert testimony. However, the act[11] was framed to emphasize the judicial nature of the proceedings. It should be pointed out that the term *interdiction* is used in the act though the process *commitment* is intended, as the law does not affect the *Civil Code* procedure for interdiction.[12] The judge of the district court under this act issues his warrant ordering the person to be brought into court and summons two licensed and reputable physicians, one of whom shall be the coroner of the parish and the other the physician of the suspected person, if he has any, neither of whom shall be related by affinity or consanguinity to the patient or have any interest in his estate. The judge and the two physicians constitute a commission to determine the question of insanity. Other persons may be summoned and the physicians examine the person before the judge. If they do not agree the judge determines the issue. Upon the coroner is placed the responsibility of securing a long list of facts embodied in a questionnaire concerning the personal and

[10] *Francke* v. *His Wife*, 29 La. Ann. 302 (1877); also *in re Watson*, 31 La. Ann. 757 (1879).

[11] *Louisiana Laws* (1918), p. 100.

[12] "A summary commitment to an insane asylum under Act. No. 58 of 1918 is a mere matter of policy and not an interdiction under Civil Code Acts 389–426 and produces none of the effects of such interdiction and need not be revoked when the person is discharged recovering his sanity" (*Oliver* v. *Terrall*, 152 La. 662 [1922]).

medical history of the insane person.[13] After a determination of insanity has been reached, the judge issues a warrant made in duplicate, one copy of which is filed with the clerk of the court and the other is delivered to the sheriff of the parish commanding him to convey the insane person to the hospital. The sheriff no longer receives the fee direct, but the amounts due from the parish are placed to the credit of the sheriff's salary fund.[14] The provision regarding patients who appear not in fact indigent will be discussed. The provision for parole is also incorporated in the law.

The superintendent of the Central Louisiana State Hospital has complained in several reports of the misuse of the powers of commitment in sending dependents who should be cared for elsewhere. He says:

> An active coroner assisted by a willing physician and a judge who accepts as truth what is told him, and the trick is done. The coroner and the physician who sits with him in passing upon the insanity of the patient usually gets $10 each for their work which on the aggregate pays very well in the large parishes of the state.

He recommends that the superintendents and attorneys of the state hospitals together prepare a new bill.[15] Obviously a new law embodying some of the more modern provisions already on the statute books of other states is needed. Some of these are: definite educational qualifications for physicians who commit patients; temporary care pending commitment and in emergency cases; the use of trained personnel in conveying patients to hospitals; proper application for discharge and provision for voluntary commitment.[16]

THE JACKSON ASYLUM

It is impossible to give an account of the care of the insane during the French and Spanish régimes and prior to the purchase of Louisiana by the United States. Presumably the history of neglect and cruelty similar to that enacted elsewhere during the same period would only be repeated. The pauper insane suffering from the

[13] See Appendix F, p. 227.

[14] *Louisiana Laws* (1916), p. 349.

[15] *Report* (1926), pp. 12–13 and 22.

[16] John Koren, *Summaries of State Laws Relating to the Insane.* Revised by S. W. Hamilton and Roy Haber.

more violent forms of mania were probably incarcerated in jails while the more harmless were allowed to remain in the community. Very likely in such a pioneer settlement the number was small.[17]

Charity Hospital was without doubt the only institution which afforded any degree of care. In 1820 when plans were under way for a new hospital an act of that year stated it to be "the duty of the administrators to cause a separate building to be erected to receive and attend such persons as may have fallen into a state of insanity."[18] That such a building was erected is evident from the report of the hospital made by the Joint Committee from the legislature for the year 1825.[19] The brick building constructed was intended to serve not only the maniacs but as an additional building to the principal establishment in season of epidemics. The apartments where the insane were confined were calculated to serve twenty-four persons. Six patients were in the building at the time of the visit of the Committee. This building may properly be considered the first state provision for the care of the insane.

Not until 1840 were funds appropriated specifically for their separate care. An appropriation of $25,000 for a suitable building for insane persons provided that all lunatics sent from any part of the state must be admitted.[20] The building erected was described as 103 feet long, 35 feet broad and three stories high. The bathing-room was equipped with apparatus for the shower baths so often required in the treatment of mental disease. Spacious grounds and arbors surrounding the asylum were said to afford opportunity for exercise.[21]

However, the neglect of the legislature to furnish funds for the

[17] Article 27 of the *New Orleans Police Code* for 1808 provides: "Furious madmen found in the streets shall be taken up before the mayor or a justice of peace who upon the proof of insanity shall enjoin the nearest relation of the person attached with that malady, to keep him in good and secure custody, on penalty of being answerable for the mischief he may do. If a dangerous madman has no relative he shall be placed in good and secure custody in such place as the mayor may judge proper and he shall be maintained and clothed at the expense of the city."

[18] *Louisiana Laws* (1820), p. 56.

[19] *House Journal* (1825), p. 60.

[20] *Louisiana Laws* (1840), p. 125.

[21] "Historical Sketch of Charity Hospital," *New Orleans Medical and Surgical Journal*, I (1844), 72–77.

support of such an addition was an obstacle. The Board of Administrators, realizing that the location was unsuitable, regretted that no discretion in the matter had been left to them, and in 1845 they definitely urged that the insane be transferred to some other location.[22] A special Committee of the legislature to whom was referred the resolution to inquire into the expediency of removing the asylum from the city of New Orleans, reported:

> The insane require a peculiar treatment and regimen which cannot be secured in the building at present appropriated to them. . . . . Its rooms are often crowded to excess with its inmates and its location is peculiarly adapted to defeat the very purpose for which selected. It stands in close proximity to one of the largest hospitals in the Union and the very desiderata in the treatment of the insane, solitude and silence, are necessarily denied them. The prospect from the building is one of the most dreary imaginable. The situation is very low and is within the limits subject to be ravaged by our autumnal epidemics. Grounds for exercise, so essential in certain cases of insanity, are entirely lacking; the building allotted to the insane is so contiguous to the main asylum that inmates are subject to every contagious disease which prevails throughout Charity Hospital. Chambers in the building now occupied are from necessity frequently appropriated to cases of smallpox. . . . . If it be the policy of the state of Louisiana to relieve herself from the support of the helpless beings by forcing them within the reach of mortal disease, that policy is well exemplified in the present condition of the asylum.[23]

Although her first state institution providing separate care for the insane was not erected until 1848, Louisiana may be included among the earlier states providing some measure of care in separate wards of her general hospital. After the thirties, when the wave of enthusiasm which brought into existence the several state institutions in the South spent itself, beyond the comparatively small numbers cared for by these asylums the general state of the pauper insane was not materially bettered.[24] It was, of course, due to the

[22] *Ibid.* (1845), p. 2.

[23] *House Journal* (1846), p. 127.

[24] To a southern state belongs credit for establishing the first public institution for the insane. As early as 1769 Virginia passed an act providing for the building of the state institution at Williamsburg. The next southern states to make similar provision were Kentucky in 1824, South Carolina in 1828, and Georgia in 1837. Interest waned until 1850–60, when there was renewed activity, and by 1860 Florida was the only southern state without a state institution. See H. M. Hurd, *The Institutional Care of the Insane in the United States and Canada,* chap. i.

efforts of Dorothea Lynde Dix that a more widespread and effective movement to get the insane out of the jails and workhouses culminated in more adequate and extensive state provision. Undoubtedly her influence was felt in Louisiana, for she visited New Orleans in 1845 and after seeing Charity Hospital wrote: "I have seen incomparably more to approve than to censure in New Orleans."[25] The opening of the Jackson Asylum coincided with the presentation of her famous memorial to Congress in 1848,[26] and in 1860 she visited the institution.

In 1847 an act[27] to establish an insane asylum in the town of Jackson provided an appropriation of $10,000, and Charity Hospital was ordered to deliver all insane patients residing in the hospital. The administration of the asylum was laid down in considerable detail in the act. The governor, with the advice of the Senate, was to appoint five persons to constitute a Board of Administration for a term of two years, who would meet the first Monday of each month. Full authority was delegated to them to make all rules and regulations governing the institution; to enter into all contracts necessary and to accept donations and legacies. They also had the power to elect a physician and general superintendent and a matron, and to determine their salaries. At every regular meeting two members of the Board were to be appointed to visit the asylum once a week. The annual statement to the legislature was to contain a detailed statement of annual receipts and expenditures; also the names of the insane persons in the asylum, the number and names of those deceased and discharged as cured during the current year. The secretary-treasurer, elected annually by the Board, must give bond and security for the faithful performance of his duty, which was to collect all debts due the asylum; receive whatever appropriation was made; to keep an exact account of credits and revenue; and to make the necessary payments. Members of the Board absent from their weekly meetings without sufficient cause were to be dropped and

[25] Francis Tiffany, *Dorothea Lynde Dix,* p. 123.

[26] Memorial of Dorothea Lynde Dix, *Praying a Grant of Land for the Relief and Support of the Indigent Curable and Incurable Insane in the United States, June 23, 1848.* A bill incorporating these provisions was vetoed by President Pierce in 1854. See S. P. Breckinridge, *Public Welfare Administration: Select Documents,* pp. 195–234.

[27] *Louisiana Laws* (1847), p. 56.

their places filled. In the absence of the president a majority of the members had power to call a meeting. A resolution of the legislature directed that inspection of the asylum was to be regularly made by the Committee on Charitable Institutions.[28]

The new hospital was completed in November, 1848. The members of the Board of Administrators appointed by the governor must have been exceedingly active for as early as July 5, 1847, they met and voted $100 to be paid to Mr. Gibbens for his plan of an insane asylum and the sum of $500 per annum to Dr. Noone for his services as secretary of the Board.[29] On November 11, 1848, they met to pass on the application for the positions of physician and superintendent and matron. The vacancies had been publicly advertised and there were two applicants from among the physicians, and for the positions of superintendent and matron, four, respectively. Dr. William D. Selby was appointed physician and Mr. and Mrs. Collins, superintendent and matron, for the period of one year. The rest of the personnel were appointed December 4, 1848.[30]

The Board immediately proceeded to provide for the conveying of all the insane from Charity Hospital. Dr. Selby and Dr. Noone were put in charge and $400 was appropriated to meet the expense. The town of Jackson in East Feliciana parish is about 150 miles from New Orleans, and as it is not located on a railroad the transportation of the insane must have been fraught with difficulties. The institution was described as follows:

> The land on which the asylum is located is within convenient distance of the business part of the pretty village of Jackson and at all times of easy access to same; but separate from the noise and bustle of the village by a valley and small stream which renders it sufficiently secluded to protect the patients from the annoying gaze of the idle and curious.[31]

[28] *House Journal* (1850), p. 52.

[29] *Minutes of the Meetings of the Board of Administrators of the Insane Asylum of the State of Louisiana,* April 26, 1844—August 6, 1888.

[30] The male assistants included: one chief attendant, salary $30 a month; two assistant attendants, one paid $15 and one $12.50 a month; and a gatekeeper at $10 a month. The female workers were a washwoman, paid $15 a month; two attendants, one $12.50 and one $10.00 a month; a chief cook, paid $20; and an assistant, $10 a month.

[31] The first biennial report of the Board of Administrators was not located. This is taken from the account in a sketch of "Psychiatry in the Southern States," by

There were about 250 acres of land owned by the asylum. One hundred acres were well timbered and the balance inclosed for the use of the patients. The buildings of the asylum consisted of two wings, to be later connected, each 94 feet in length and 48 feet in depth, three stories high.

Throughout the years 1849 and 1850 the Board met regularly and gave personal attention to the details of administration. Two members of the Board were appointed monthly to serve as a Visiting Committee and to report on the management of the asylum. This Committee was given power to discharge patients on the written recommendation of the physician that such patients were restored to sound mind.[32] Not until 1856 did the Board vote that a certificate from the physician of the asylum approved by the superintendent was sufficient discharge, and that their approval was not necessary.[33] The physician was requested to include in his monthly report to the Board a statement of the mental as well as the physical condition of the patients. Female patients discharged as restored in mind and without funds were to be given $5.00; males, $1.00. The need for some form of occupation for certain patients led to the establishment of a brickyard.[34]

The method of admitting patients immediately presented difficulties. The policy of the state as set forth in the act of 1847 implied state provision for all insane persons sent to the asylum on warrant of the district judge, without regard to indigence; but a supplementary act of 1848 specified that all persons received were to be charged $10 a month "unless the police jury of the parish shall certify that said person is in indigent circumstances."[35] In 1852 the Board com-

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T. O. Powell, *Transactions of the American Medico-Psychological Association*, IV (1897), 118.

[32] *Meetings*, January 1, 1849.

[33] *Ibid.*, November 3, 1856.

[34] *Ibid.*, March 5, 1849.

[35] *Louisiana Laws* (1848), p. 41. The assumption of financial responsibility on the part of the legislature for the entire support of the hospital (with the exception of the few pay patients) does not seem in accord with the policy of other southern states. Dr. T. O. Powell, superintendent of the State Asylum at Milledgeville, Georgia, in his presidential address before the American Medico-Psychological Association in 1897, in commenting upon the meagerness of appropriations made by southern states for sup-

plained that frequently patients were brought by the sheriff upon authority of a warrant from the district judge but without the required certificate of indigence from the police jury. Such patients were refused admittance and much delay and annoyance resulted. At the same time they believed many were admitted as paupers who were known to have property, and that such imposition upon the state called for further legislation and recommended that the district judge should pronounce upon indigence as well as insanity.[36]

In 1855[37] an act restating the act establishing the institution incorporated this change and provided that the police jury, municipal council, or *clerks of the court* should certify the person in indigent circumstances. Section 12 added:

> That whenever application is made to the clerk for a certificate as above stated it shall be his duty to examine under oath such witnesses as may be brought before him and give or refuse such certificate as may in justice require; and the said clerk is empowered whenever he shall deem the same necessary to summon before him, as in ordinary cases, any witnesses necessary and said certificate shall entitle him to admission into the Lunatic Asylum.

The policy adopted by the legislators in regard to the financing of the Jackson Asylum differed wholly from that of Charity Hospital. At no time were amusement taxes and license fees resorted to. Instead, the usual method of direct appropriation from the general revenues of the state furnished the necessary funds. The appropriation of 1847 of $10,000 for the erection of a building was supplemented the following year by another act voting $20,000 for the completion of the institution.[38] In 1852[39] the sum of $15,000 was voted for the years 1852 and 1853, respectively, for the construction of an additional building and the purchase of 100 acres of land

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port of the state institutions, gives as the reason the rigid adherence of southern legislators to the doctrine of *laissez faire*. After erecting the buildings it was their aim to make the county commissioners of the poor responsible for the support of their own paupers. See T. O. Powell, "A Sketch of Psychiatry in Southern States," *Transactions of the American Medico-Psychological Association,* IV (1897), 74–131.

[36] *Third Biennial Report of the Board of Administrators of the Insane Asylum of Louisiana* (1852).

[37] *Louisiana Laws* (1855), p. 453.

[38] *Ibid.* (1848), p. 41.

[39] *Ibid.* (1852), p. 99.

to cost not over $1,000. On the faith of these appropriations the Board immediately advertised for proposals for building an eastern wing to the main building. To the great embarrassment and inconvenience of the Board, the legislature failed to provide funds to carry out the appropriation act and the Board was therefore forced to suspend all work.[40] The building was at least partially completed some time in 1854, and the institution was then able to accommodate 140 persons.[41]

It is difficult to say what plan for expansion the Board had in mind during the following years. Apparently the pressure for increased accommodations led to continued recommendations of further funds for buildings which the legislature granted reluctantly. In 1855[42] $20,000 was appropriated for the construction of buildings, and in 1856[43] the same amount to complete the outer buildings, and in 1857[44] $15,000 for the infirmary and the furnishing of the center building. In 1860 the Board called the attention of the legislature to the unfinished state of the buildings and urged an appropriation of $20,000 for an extension of the central building and $5,000 for repairs.[45] The Joint Committee for the Senate and House also recommended this extension in order to provide room for a kitchen, dining-room, and storeroom. They reported the old wooden building used for these purposes as in a very dilapidated condition and situated apart from the main building so that in bad weather patients often suffered exposure in going to their meals.[46] But no further additions were made for several years. By 1862 annual appropriations were but $30,000.[47]

The number of patients and amounts expended from 1853 through 1860 are given in the accompanying table.[48] As some of these were pay patients receiving somewhat different care from that

[40] Letter to the governor from D. J. Flukes, treasurer of the Jackson Insane Asylum, *House Journal* (1853), p. 9.

[41] *Fourth Biennial Report* (1854), p. 5.

[42] *Louisiana Laws* (1855), p. 1.

[43] *Ibid.* (1856), p. 209. [44] *Ibid.* (1857), p. 234.

[45] *Annual Report of Board of Administrators* (1860), p. 3.

[46] *House Journal* (1860), p. 10.

[47] *Louisiana Laws* (1862), p. 100.

[48] *Minutes of the Meetings of the Board,* June 3, 1861.

given the pauper patients, it is impossible to calculate accurately the cost on a per capita basis.

PATIENT POPULATION AND ANNUAL EXPENDITURE, 1853–60

Year	Patients	Amount Expended	Per Capita Cost
1853	132	$14,092.98	$106.70
1854	130	18,281.00	140.50
1855	133	18,759.00	141.00
1856	102	18,193.00	178.00
1857	125	20,458.99	163.00
1858	137	24,559.49	179.00
1859	157	26,188.74	166.00
1860	144	26,290.40	182.00

The overcrowded condition of the asylum was from the first and continued the most pressing problem which faced the new Board. Charity Hospital accommodated, on an average, sixty patients but had eighty-five patients on the opening of the Jackson Asylum. Although there is no statement as to the exact number it was planned to accommodate, presumably it could house about the same number cared for by Charity Hospital. At one of the earliest meetings[49] of the Board, an application from the clerk of Charity Hospital for the admission of two additional patients was refused. Applications came from all parts of the state, and at all times the asylum was crowded to overflowing. During the first three years, 202 patients were admitted and 124 discharged. Fifty-one were considered restored, 24 were partially so, and 49 died.

The question of increase in the number of the insane in the state received considerable attention after the opening of Jackson.[50] Gov-

[49] December 4, 1848.

[50] The *United States Census* of 1850 (p. li, Table XXXIII) gave the number of insane and idiots in Louisiana in 1840 as: white, 55; colored, 45; total, 100. In the 1850 enumeration (*ibid.*, p. l, Table XXIX), the insane and idiots were classified separately as follows:

	White	Colored	
		Free	Slaves
Insane	144	11	45
Idiots	106	6	62
Total	250	17	107

In the first number of the *American Journal of Insanity* (p. 78) issued in 1844, a table showing the number of insane and idiots in the United States, gives the number in

ernor Johnson, in his address to the legislature in 1850, recommended that a small department be provided in Charity Hospital for patients with incipient cases who could be cured if early attention were given to them, thereby saving the state much expense.[51] In their second biennial report (1850) the Board recommended that accommodations for 100 additional patients be provided, and that a building should be erected on thirty-two acres of hospital property. Suitable accommodations for wealthy patients, able to pay, were also needed. The suggestion of a detached building for noisy and filthy patients pointed to the need for classification which undoubtedly had received little thought in the erection of the asylum. A suggestion that an additional state institution be erected elsewhere was not looked upon favorably by the Board. Instead they recommended an appropriation of $35,000 to provide additional construction at Jackson.

The limited capacity of the asylum meant that the indigent insane refused admittance were necessarily kept in local jails and workhouses. When a vacancy occurred, many were admitted only to die as a result of their long neglected condition. From the beginning the inability of the new institution to care for the insane of New Orleans was an issue. Complaints by the mayor to the governor called attention to the number detained in Charity Hospital and even in the prison and workhouses. He urged the erection of a state-supported institution in New Orleans.[52] On January 17, 1851, the grand jury of the parish of Orleans reported two lunatics, a young man and a young woman, and again in March three lunatics locked in the police jail for want of room at Jackson.[53] In 1853 the Committee on Charitable Institutions of the House and Senate reported that on their visit to the parish prison they had seen 41 insane, 32 of whom had

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Louisiana as: white under public charge, 6; colored, 38; white under private care, 49; colored, 7; total, 100. The ratio of 1 to 3,524 of the population is given as against an average ratio of 1 to 977 for the United States. The accuracy of all early enumerations of the insane is questioned.

[51] *House Journal* (1850), Appendix, p. 1.

[52] *Ibid.* (1852), p. 6.

[53] *Third Biennial Report of the Board of Administrators of the Insane Asylum of Louisiana* (1852).

been ordered to Jackson by the city court, but could not be admitted for lack of space.[54]

The following year, in order to provide some measure of care outside the parish jail, the city established a temporary asylum. Thus was the vicious practice of local care rather than state provision established by the city of New Orleans, and it persists until the present day. The city council ordered that the building on Levee Street in the Third District known as the Third Municipality Workhouse be used as a temporary asylum for the indigent insane, making it a duty of the recorders of the various districts of the city to commit such persons there until provision could be made for their admission to the state asylum at Jackson.[55]

Various efforts on the part of city physicians to have the place abolished proved unsuccessful. One physician described this temporary asylum as a "lock-up, calaboose, or man-kennel."[56] Another wrote that when he entered upon his duties December 1, 1856, there were 56 persons huddled together in the cells. Beggars, lunatics, and persons afflicted with delirium tremens were all confined together. They fought each other at night and often came forth in the morning with their heads barbarously bruised. He concluded with the recommendation that another state asylum should be erected near the city.[57] Since New Orleans supplied most of the patients, this seemed reasonable. Furthermore, the expense of transportation would be diminished. Finally, he argued that the physicians at Jackson, instead of professional isolation, would have the benefit of association with their confreres[58] But this temporary asylum became practically permanent and was maintained until the late eighties.

[54] *House Journal* (1853), p. 100.

[55] Ordinance No. 1794, *The Laws and General Ordinances of the City of New Orleans* (1866), p. 77. Revised and digested by Henry J. Leovy.

[56] *Annual Report of the Board of Administrators of Jackson* (1858), pp. 13–15, "A Memoir on the Insane Asylum of the State of Louisiana at Jackson," by Stanford Chaillé.

[57] In 1856 a bill to establish a second lunatic asylum was introduced into the House (*House Journal* [1856], p. 9).

[58] *Annual Report of the Board of Administrators of Jackson* (1858), p. 13. Notes furnished by Dr. C. Delery, city physician, upon the temporary insane asylum in New Orleans.

City appropriations for the care of the insane varied. In 1856[59] these amounted to approximately $5,500, and in 1858[60] to more than $8,000.

The administration of the Jackson Asylum by the Board of Administrators was not without criticism. In 1853 a special Committee of the legislature was appointed to visit and report on the care of the patients. The majority and minority reports submitted are interesting. The conclusions of the majority were:

> Our visit was made just before the dinner hour which gave us an opportunity to inspect every article of food and as our visit was not anticipated we are satisfied that the dinner was a fair average. We found each subject supplied with a piece of good, fresh beef, a pint of very good soup, and a sufficiency of fresh (bakers') bread. We next proceeded to the sleeping apartments where we found everything neat and clean. Four witnesses were examined on oath, three of whom testified to the fact that the establishment was well managed; that the patients were humanly treated and supplied with plenty of good, wholesome food. The other witness (a gentleman who furnishes the asylum with fresh beef) testified that the beef was of the same quality as that furnished the citizens of Jackson. The establishment is visited daily (and oftener when necessary) by a physician who stands high in the community as a practitioner. An examination of his books satisfied us that he had not been remiss in his duty. We therefore report the facts as they came under our observation and were testified to by reputable witnesses and necessarily concluded that the establishment is kept in a manner creditable to the state and to the best interests of the unfortunate inmates.

But viewed by the minority of the Committee, conditions looked not so favorable. They found the direst poverty and even the want of sufficient food for the patients. Dinner consisted of "about a tin cup full of soup, meat about the size of a hen's egg, and a small piece of bread." Breakfast consisted of a piece of bread and coffee, and supper of bread and tea. They found two cells closed and ordered them opened. In one was a woman almost naked and covered with her own excrement, and in the other another woman with a small piece of cloth no larger than a handkerchief trying to cover her nakedness. The day was cold and the bodies of these unfortunate women nearly frozen, as their cells had no heat. The sight of such

[59] *Comptroller's Report* of the city of New Orleans from January 1 to June 30, 1856, item $2,743.93 for the care of the insane.

[60] *Ibid.*, July 1, 1858—January 1, 1859, item $4,028.87 for the care of the insane.

suffering made the Committee grow so faint that the investigation could go no farther.[61]

The first superintendent, William Collins, appointed in 1848, was not a physician, and Dr. Selby, who was appointed physician, served only in a visiting capacity. Not until 1857, when Dr. J. D. Barkdull was made superintendent and physician, was the institution properly under the management of a medical man. The new Board appointed in 1857 found the administration of the hospital facing another legislative investigation and resolved to solicit the Committee to make a full investigation of the charge of mismanagement.[62] The charge of wasted and misapplied funds was brought in against the previous Board. An item of $1,446.69 paid for supervision of the buildings was found omitted from the expenses of 1855, and other discrepancies were noted.[63]

Again in 1859 the Committee on Charitable Institutions was directed to make a special report on rumored mismanagement of the institution, especially in reference to the number of pay patients given accommodations. The committee reported back favorably. The books of the institution showed on the average of twenty-eight patients charged $10–$40 a month according to their ability to pay. In no instance was a patient from another state charged less than $25. Owners of slaves were charged $12.50. They found solitary confinement, the use of the straight jacket, and corporal punishment almost entirely abandoned. The only dissatisfaction current was caused by the increase in the salary of the superintendent from $1,500 to $3,000.[64]

The problems most outstanding on the eve of the Civil War were set out in considerable detail in the reports of Dr. Barkdull. Before his appointment the preceding physician reported in 1855[65] that the institution had been from the beginning more of an almshouse than an insane asylum. Many were sent in the last stages of bodily disease, some without the power of locomotion, all of whom could be

[61] *Senate Journal* (1853), p. 85.

[62] *Minutes,* February 7, 1857.

[63] *Annual Report of the Board of Administrators* (1858), pp. 1–13.

[64] A minority report signed by one member objected to the proposed increase (*House Journal* [1859], p. 3).

[65] *Report of the Board of Administrators* (1855), p. 8.

nursed in poorhouses at less cost. An idiotic boy of thirteen years sent by one of the parishes illustrated the efforts of the local communities to evade the support of the feeble-minded. In 1861 Dr. Barkdull reported thirty-six girls mostly under twelve years of age in the institution.[66]

Another problem was the large number of patients sent from New Orleans who were recently arrived from foreign shores without friends and in many instances without identification. The superintendent regretted that information concerning their previous history, immediate cause of the attack, its duration, the age, nativity, and occupation of patient could not be ascertained for his statistics.[67] Epidemic diseases, so common in institutions during this period, also ravaged the Jackson Asylum. In 1855 "a flux of dysentery swept over the crowded wards and the diseased subjects fell like grass before the scythe."[68] In 1859 it was a matter of congratulation that the institution was free from the irritation of this fearful scourge.[69] On the other hand, the institution was spared from the ravages of the yellow fever epidemics.

Already the problem of the criminal insane led to recommendations for their accommodations elsewhere. As to the management and treatment of the patients, it was reported that drugs were administered with considerable apparent benefit, but it was never found necessary to chain, whip, or use any harsh means.[70] The needs of the institution were many. There was no library and some form of recreation, principally billiards and carriage exercise, was advocated. The buildings were without fire protection.

But, above all, the unfinished condition of the central building and the lack of space to accommodate the large numbers seeking admission confronted the superintendent. The buildings when completed were estimated to hold 250 patients and already in 1861 the number rose as high as 270. Such overcrowding led to the suggestion that the plan adopted by other states of returning the incurable to the parishes was the only solution unless another institution for the care of those sent from New Orleans was erected.[71]

[66] *Ibid.* (1861), p. 3.
[67] *Ibid.*, p. 14.
[68] *Ibid.* (1855), p. 8.
[71] *Ibid.* (1860), p. 3.
[70] *Ibid.* (1861), p. 2.
[71] *Ibid.* (1860), p. 3.

The "probable causes" of insanity reported by the physician illustrate the lack at this time of scientific knowledge regarding the diagnosis of the insane.[72]

In 1860 Dorothea Lynde Dix visited Jackson and the Board reported their indebtedness to her for the interest she manifested in the property and especially the donation of certain pictures to adorn the walls. That same year the authority of the Board of Administrators was very much circumscribed by an act which provided that members of the Board should not in any manner be connected with the taking of contracts for construction. Requirements that there should be specifications drawn and advertisement before letting of contracts made obligatory on the Board introduced more business-like methods. Also the Board was prohibited from contracting debts or borrowing money beyond the amounts appropriated by the legislature. The treasurer was made ex officio secretary with a salary of $600 per annum, but was not to be a member of the Board. The physician was to examine any lunatic or insane person charged with a felonious crime, sent to the asylum by the authority of the district judge, and if in his opinion the person was only feigning insanity he was to report the fact to the Board, who, after investigation of the facts, might cause the offender to be confined in the parish jail, at the same time notifying the president of the police jury of the parish whence he had been sent.[73]

[72] *Ibid.* (1859), p. 14. In 1859, for example, they were given as:

Ill health	23
Loss of property	1
Disarrangement of catamenia	2
Excessive use of tobacco	2
Dissipation	15
Domestic affliction	1
Epilepsy	5
Masturbation	6
Homesickness	1
Injury of the head	1
Unknown	80
	137

[73] *Louisiana Laws* (1860–61), p. 217.

CHAPTER IX

EAST LOUISIANA HOSPITAL

Although the town of Jackson, situated as it is only a few miles from the capital at Baton Rouge, was close to some of the fighting during the Civil War, the institution appears to have suffered less from 1862–65 than it did during the years following the termination of hostilities. After the Battle of Baton Rouge in 1862, the federal forces returned to New Orleans and General Richard Taylor was appointed by the Confederate government to command the District of Louisiana. The institution was then very much cut off from other parts of the state and entirely dependent for support on that part of the state under confederate control.

However, the board of administrators continued to meet regularly. On January 5, 1863, they reported the institution in good order and January 18 met to recommend to the legislature an appropriation of $30,000 for maintenance. But funds were not forthcoming from the legislature and food supplies became limited to those that could be obtained from the surrounding country or from the military force.

As the pressure for funds became greater the Board undertook to buy and sell cotton as a means of financing the asylum. The policy of the Confederate government had been to burn any cotton that they feared might fall into the hands of the enemy, and a considerable amount was destroyed in this way. In 1863 Colonel H. W. Allen was elected Confederate governor of the state, and after his inauguration, in 1864, the futility and extravagance of destroying useful property was recognized and the practice abandoned.[1] On September 5 the Board authorized Colonel Fuqua, a member of the Board, to apply to the military authorities for a permit to go to New Orleans in order to sell the cotton and purchase the necessary supplies for the asylum.[2]

[1] Fortier, *A History of Louisiana,* Vol. IV, chaps. ii and iii.

[2] *Minutes.*

The minutes[3] of the next monthly meeting indicate that the permit was refused, and that as the institution was unable to carry on without fresh supplies the commander of the military district was requested to charge and issue rations to the patients and personnel. In November the institution was reported in as good condition "as could be expected."[4] But in December the Board again was forced to appeal to General Taylor for relief and voted:

Whereas it is impossible under existing circumstances to subsist the patients in this asylum unless we are permitted to bring out supplies from within the federal lines which permission has been refused by Major General Canby; Therefore Be it Resolved by the Board of Administrators of the Insane Asylum of Louisiana that the Federal Military authorities be requested to relieve them of all the patients who come from New Orleans or other parishes within their lines and under their control and be it further resolved that Dr. J. D. Barkdull and I. O. Fuqua, Esq., be authorized to ask General Canby for a permit to carry 100 bales of cotton to New Orleans and to purchase therewith such necessary articles of supplies as may be required for the relief of the Institution.[5]

Conditions grew more serious. The 1864–65 legislature made no appropriation to the asylum, although a sum of $2,000[6] was provided for the Insane Asylum of the Third District of New Orleans, and at the extra session $500 for the Louisiana Retreat, a private institution for the care of the insane.[7] A comparatively large amount, namely, $49,500, was also appropriated to various private charitable organizations in New Orleans. In February of the same year, Dr. Barkdull was shot and killed in the streets of Jackson by a federal soldier. In order to reduce expenses a lay superintendent and his wife were appointed at a joint salary of $1,500 to succeed Dr.

[3] October 3, 1864.

[4] *Minutes,* November 7, 1864.

[5] *Ibid.,* December 5, 1864.

[6] *Louisiana Laws* (1864–65), p. 170.

[7] *Ibid.* The Report of the Committee on Charitable Institutions for 1865 comments as follows on this institution: "The insane asylum established within the last two years is situated on the corner of Magazine Street and Nashville Avenue, Jefferson City; it was known recently as the Asylum of the Five Wounds, but now bears the name of the Louisiana Retreat. There are twenty inmates, principally females, some of whom are paid for by relatives, but the majority are charity inmates and in the opinion of the Committee the latter should be transferred to the State Institution at Jackson as soon as the State Asylum can accommodate them. Yet there being an impossibility of so doing during the late war, the Committee deem it just to appropriate a compensation to the good sisters for the care and trouble which they have had with these state patients, particularly as said sisters are so much in need" (*House Journal,* [1865], p. 60).

Barkdull. The treasurer's salary was reduced to $600, and the visiting physician was paid $800. In June the Board tendered their resignation to Governor Wells, and in doing so urged that he take immediate steps to subsist the inmates of the asylum and to pay the floating debt.[8] In September the treasurer was directed to present to the military authorities a certified list of patients, attendants, and officers residing in the institution and to ask for rations for a period of three months.[9] In addition the city of New Orleans paid $2,470 for the care of 72 patients. A total of 113 patients was reported in the asylum that year.[10]

The first appropriation of the new legislature unfortunately brought little relief; for the sum of $23,000 provided in 1866[11] was restricted to the paying of debts contracted prior to January of that year. Again, in 1867,[12] $4,604.66 was appropriated to meet deficiencies. The additional provision of $34,000[13] for support and repairs, and a special appropriation of $4,000[14] to purchase a tract of land, gave funds for maintenance for the first time in four years.

In 1867 the Board was under criticism for refusing the indigent insane, while at the same time admitting pay patients. In the report for the year the Board explained that although the pauper department had been full to overflowing there had been at all times room for a dozen or more pay patients. Accommodations for "state" or pauper patients, though good, were on a humbler scale than those for private patients. The accommodations for the latter were considered first class, as they included a parlor, bedroom, and bathroom. The rates varied from $30 to $60 a month.[15] Governor Wells, in his message to the legislature that year, while urging more adequate accommodations for the indigent insane, upheld the Board in their policy of not using the quarters designed for private patients even though it meant the refusal of the indigent insane.[16] In 1868[17]

[8] *Minutes,* June 12, 1865.

[9] *Ibid.,* September 4, 1865.

[10] *Report of the Board of Administrators* (1866).

[11] *Louisiana Laws* (1866), p. 292.

[12] *Ibid.* (1867), p. 21.

[13] *Ibid.* (1867), p. 222.

[14] *Ibid.* (1867), p. 21.

[15] *Report of the Board of Administrators* (1867), p. 5.

[16] Message of Governor J. Madison Wells, *Documents* (1867), p. 9.

[17] *Report of the Board of Administrators* (1868), p. 5.

the Board again reported room for pay patients, while the space for state patients was lacking. But apparently this class of patients was not a very remunerative source of income, for the following year the Board directed the superintendent to write to all parties responsible for their support informing them that unless arrears were settled and security given for future service their relatives or friends would be returned to the parishes from whence they came. About $4,000 was due from this source, but the Board doubted if $1,500 of the amount could be collected.[18]

The indebtedness of the institution, the dilapidated condition of the buildings, the need for additional construction, and pressing current expenditures created a continuing emergency situation from which the Board was unable to extricate the institution for some years. In 1867 a budget of $42,604.66 was estimated as the minimum necessary, while the legislature of 1868 appropriated $15,000.[19] Without rations from the commanding officer of the military district the inmates would have been practically without food. Notice was given to all parishes that their patients would be returned unless support was forthcoming, but not a single reply was received excepting from the city of New Orleans, which appropriated $5,000 to the asylum.[20]

The same year the Board at its meeting in December resolved that in view of the dilapidated and deplorable condition of the buildings $50,000 be asked for repairs and additional wards, and $50,000 to defray current expenditures.[21] But in 1869 the legislature appropriated $20,000 for repairs and $30,000 for maintenance.[22] The next year[23] this was increased to $30,000 for building and $40,000 for support, and in 1871[24] $120,000 for two additional wings and $50,000 for current expenditures. As these appropriations were paid in state warrants, the Board faced the same difficulty as did the Board of Administrators of Charity Hospital in selling them at a discount. In 1872 their value was reduced by 50 per cent.

[18] *Minutes,* May 3, 1860.

[19] *Louisiana Laws* (1868), p. 213.

[20] *Annual Report of the Board of Administrators* (1868), pp. 3–5.

[21] *Minutes,* December 19, 1868.

[22] *Louisiana Laws* (1869), p. 210.

[23] *Ibid.* (1870), p. 77.

[24] *Ibid.* (1871), p. 177.

As a result such provision fell far short of giving adequate relief either for construction or maintenance. The $30,000 appropriated in 1870 to build another wing was used in repairing the old buildings, and a minimum of $100,000 was required to erect two wings for the accommodation of the most acute cases. The state government was censured for its neglect of the institution. Located thirteen miles from the Mississippi River with no railroad transportation available, the asylum could only be reached by a common road which ran over hills and creeks and was at times impassable. The Board felt that its isolation accounted for the lack of public interest shown in its affairs.[25] Because of its location it was furthermore almost impossible to obtain lumber for building and repairing, as the nearest mills were located at Bayou Sara, fifteen miles distant, and the roads were such as to render transportation well-nigh impossible.[26]

Difficulties other than financial further complicated the administration of the institution. After the death of Dr. Barkdull, a lay superintendent was appointed, and not until 1868 was the asylum again under the direction of a medical man. Many were the criticisms of the management during the Republican administration.

A new Board appointed in 1874 held its first meeting in New Orleans, which was a departure from the policy of previous Boards. The body resolved to call upon the late Board for documents, papers, and records of property, and then to visit Jackson.[27] The following month the Board visited the institution only to find the superintendent absent without leave. A resolution was adopted asking him to appear before the Board and submit any information he might have upon the affairs of the asylum. However, at the same meeting his successor was elected.[28]

The following month the Board held its first meeting at the asylum and found much in the financial operations of their predecessors to question. Only a week before the old Board had met and elected a treasurer and gave him two warrants each for $12,500 upon the

[25] *Annual Report of the Board of Administrators* (1871), pp. 1–13.

[26] "Report of Committee on Charitable Institutions," *House Journal* (1871).

[27] *Minutes,* New Orleans, March 18, 1874.

[28] *Ibid.,* Jackson, March 26, 1874.

state auditor, who issued to him $25,000 in state warrants. The Board doubted the legality of the procedure, but decided they could do nothing about it, especially since the institution was $13,000 in debt and the employees had not been paid for nearly ten months, and claims of 1868 were still unpaid. The treasurer was further accused of taking advantage of his situation and inflicting privations and hardships upon the unhappy inmates. The marked debility of the patients was partly accounted for by the fact that the butcher who had for many years furnished the asylum with fresh beef three days a week, after accumulating $2,600 in unpaid bills, notified the treasurer that no further meat would be delivered. The treasurer who had apparently acquired a monopoly in selling salt pork to the asylum, failed to notice the unpaid bills and the inmates continued to be fed pork. The Board also accused him of speculating with the funds, and altogether the finances of the institution could not have been more tangled.[29]

One of the first recommendations of this Board was for statewide representation on the Board and especially from New Orleans, which contributed so much to the support of the institution. They found the custom of appointing all the members from the immediate neighborhood of the institution a bane.[30] The act of 1855 had not specified whether the members should be local or representative of the state. The membership of the first Board was purely local, and presumably it continued so. Probably as a result of the influence of the 1874 Board an amendment[31] to the act was passed the same year providing for a Board of six members appointed for four years: one member from East Feliciana parish, one from West Feliciana, and four from the parish of Orleans. The members from East and West Feliciana parishes formed the Executive Committee and were to visit the institution frequently and not less than semimonthly. The Board was authorized to elect the superintendent, who was to serve as chief physician and executive officer and was required to reside on the premises with his family. Also, he was forbidden to practice outside of the institution. The next year the law was further amend-

[29] *Annual Report of the Board of Administrators* (1874), pp. 1–28.

[30] *Ibid.* (1874), pp. 1–28.

[31] *Louisiana Laws* (1874), p. 89.

ed increasing the Board to eight members, two each from the parishes of East and West Feliciana and four from the state at large.[32]

That the condition of the insane patients during this reconstruction period was deplorable need hardly be said. The number of patients averaged between 175 and 200. Yearly the reports commented on the fact that the institution was fifty years behind the times. Probably at no time during this period was it more than an almshouse and a poor one at that. In 1873 the Board reported the only mode of lighting the buildings was by oil or candles, and in order to guard against accidents only candles were allowed in the wards and rooms and no night lights except a solitary lamp in the center building. Without any fire protection whatever, the Board recognized that a great catastrophe might happen and urged that it would be true economy to expend a few hundred dollars in purchasing a suitable fire-extinguisher and to provide for the lighting of the buildings with rosin gas. Facilities for bathing were also very poor, and consisted of three small and badly constructed bathrooms in the female department and two for the male. Provisions for warm baths were unknown in the history of the institution. During the cold weather, hot water was brought in buckets to the male department—a distance of sixty yards. The central building and male wards were without toilets, and there were only two in the female department. "The want of these very essential conveniences necessarily created habits of gross indecency in the insane."[33]

The years 1875, 1876, and 1877 probably marked the lowest ebb and the period of greatest suffering. So great was the distress that the officers suggested that the gates be thrown open and the patients allowed to go forth and beg their daily bread. In 1875 the report ended with the following statement:

> Unless proper aid is soon extended the closing or rather the opening of the doors and the turning loose of the whole insane population must be the next step in its history. The end is now reached and *untold* and *unspeakable suffering* must and will follow unless your honorable body grants immediate relief to those unfortunates by special and temporary appropriation.[34]

[32] *Ibid.* (1875), Extra Session, p. 109.

[33] *Annual Report of the Superintendent of the Board of Administrators* (1873), pp. 9–10.

[34] The report for 1875 was not located. See Hurd, *op. cit.*, II, 477.

In 1876 a report of the chairman of the Executive Committee to the president and Board of Administrators further describes conditions:

> There are at present 86 males and 97 females, total 183. The poor afflicted inmates are in want of the necessary clothing to keep them warm and most of them are almost naked. The Females have only one set of underclothing and no Winter Dresses, Shoes, or Stockings. . . . . The Males only one Shirt, one pair of Pants and Coat, and one Shirt, and one pair of Drawers and with very few exceptions no Shoes or Hats. The Bedding, there is not a change of Sheets and the Bed Ticking on the Mattresses is almost worn out, also the Blankets, Bed Spreads and Bedsteads. The Heaters for warming the Buildings are all out of repair and cannot be used without danger of setting the Buildings on Fire. The Patients in all Buildings are liable to freeze to death at any Cold Spell that may come during the Winter. . . . . The Buildings used for Dining Rooms and Kitchen for Males and Females are not tenable and are in danger of falling down and Killing Patients and Attendants. The Superintendent, Matron, and Attendants have not been paid anything for their services since the 1st of April, 1876, and according to the Financial condition of the Asylum there will be no money to pay them this year or buy any Clothing, Bedding, etc. It is almost impossible to get a supply of water for the Asylum.[35]

In 1877 there were only twenty-one employees including the gatekeeper, gardener, cook, and farm laborers, leaving only eight in attendance upon the patients. The Board pointed out that one attendant to every ten patients was the ratio in other states, and accordingly there should be nineteen at Jackson. They concluded that due to unavoidable circumstances the asylum was a mere poorhouse where 194 unfortunates were kept from nudity and starvation.[36]

In the treatment of the insane, the methods of mechanical restraint were much discussed. From the reports of the Jackson Asylum, it is difficult to give any account of the methods successively used. The report of 1867 comments as follows:

> As a rule in the management, the least restraint consistent with safety and security to each and all is imposed upon the inmates. . . . . Discipline, except with a very few is rarely used—usually nothing harsher than brief imprisonment in a cell. Formerly the shower bath was in vogue, but it is not now administered except in peculiar cases and under the immediate direction of the

[35] *Minutes*, 1876.

[36] *Report of the Board of Administrators* (1867), pp. 4–5.

physician. Handcuffing is practised, but mainly on those whom it is thus necessary to disable from denuding themselves of clothing.[37]

Recommendations covering the needs of the institution toward the latter part of this period were: (1) suitable accommodations in the penitentiary for the criminal insane; (2) an infirmary to accommodate 30 patients; (3) a modern laundry to do the work performed by hand on a common washboard by one washerman and 12 female patients; (4) warming apparatus for the central building and female department which were originally supplied with Chilson furnaces which had not worked for some time; (5) facilities for warm baths; (6) all the necessary adjuncts to treatment as the present accommodations only fed and sheltered the inmates; (7) increased accommodations including either (*a*) the erection of a fireproof brick building to accommodate all the insane, to cost $400,000, or, if the state could not afford such expenditure, and it was perhaps useless to urge such a plan upon them, (*b*) cottages accommodating from fifteen to twenty patients.[38]

The process of modernizing the institution was a slow one,[39] but in 1882 certain changes were made toward improving the institution. In addition to the sewerage and lighting systems installed, two dining-rooms for colored patients were added; the grounds were sodded and embellished; fences were built; and the water supply was found abundant and pure. The buildings then accommodated 450 patients. The Committee from the legislature found everything in perfect repair with the exception of minor matters, such as the painting of the washhouse and improvements in the engine-room.[40] By 1896 two large three-story brick buildings and an additional wing to the colored female ward had been added. The committee found it "not a Mad House but a most beautiful and delightful

[37] *Ibid.*

[38] *Ibid.* (1874), pp. 6–7.

[39] It is impossible to state how closely in touch were the superintendent and Board with the Association of Medical Superintendents of American Institutions for the Insane, which in 1893 became the American-Medico-Psychological Association, and other standard setting influences. An association of southern hospitals was founded and met in Atlanta in 1895 and the following year in Asheville. Whether the Jackson asylum was represented cannot be said.

[40] *Senate Journal* (1890), pp. 199, 397.

home. Broad lawns, cooling shades, rustic seats, and inviting groves meet the eye. Swings, games, music and flowers suggest repose."[41] The Committee felt that the limit of the capacity of the present asylum had been reached, and that no further enlargements were wise. But in 1898 an appropriation was made for additional construction and a story was added to both the colored male and female departments. That year the Committee reported that 1,400 inmates could be provided with every modern convenience.[42]

Inspection by the legislative Committees continued. The old criticism that charity patients were excluded in favor of paying patients very nearly brought about another inspection of the institution in 1884. With a request for an appropriation of $160,000 under consideration, certain members attempted to have a special Committee appointed to examine into the books, vouchers, and general management. The motion was defeated, however, by the Standing Committee on Charitable Institutions, who stood ready to make all necessary investigations.[43] In 1888[44] the last entry in the minutes of the Board of Administrators appears. They met to consider retrenchment in maintenance, and a cut in the wages of the supervisor of farmwork and servants was ordered. A marked improvement in the management of the institution was very much commented on during the administration of Dr. L. J. Perkins as superintendent (1888–91).[45]

Probably the most important change affecting the management was the opening of a new hospital at Pineville in 1906. An act[46] of

[41] *Ibid.* (1896), p. 1.

[42] *House Journal* (1898), p. 36.

[43] *House Journal* (1884), pp. 123, 433.

[44] August 6, 1888.

[45] *Senate Journal* (1890), p. 899; *House Journal* (1892), p. 61.

[46] *Louisiana Laws* (1906), p. 260. First District: Ascension, Assumption, Concordia, E. Baton Rouge, E. Carroll, E. Feliciana, Iberville, Jefferson, Lafourche, Livingston, Madison, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Tammany, Tangipahoa, Tensas, Terrebonne, Washington, West Baton Rouge, and West Feliciana. Second District: Avoyelles, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Cathoula, Claiborne, De Soto, Grant, Franklin, Iberia, Jackson, Lafayette, Lincoln, Morehouse, Natchitoches, Oachita, Rapides, Red River, Richland, Sabine, Union, Vernon, Webster, Winn, Acadia, St. Landry, Vermilion, West Carroll, St. Martin, and St. Mary.

that year apportioning the insane divided the state into two districts; those from the first district were assigned to the Jackson Asylum and those from the second district to the Pineville Hospital. The makeup of the Board then became more geographically representative of the state as a whole.

The superintendent, Dr. G. A. B. Hayes, was transferred to take charge of the new hospital, and Dr. Clarence Pierson was elected in his place. Several of the reports of the legislative Committee commented favorably on the improvements made during his administration. Some of them were: the erection of nine new buildings; the use of reinforced concrete instead of wood, brick, and mortar; the installation of twenty-two modern bathrooms; the purchase of grounds adjacent for a park; the purchase of the Jackson Railroad and putting it in repair; the construction of a modern highway to McManus station; the organization of a farm colony to accommodate 75 patients; the provision of steam heating service at night for all hospital wards and dormitories; the manufacture of all wearing apparel; and the provision of increased and improved medical service.[47]

Other recommendations made during this period are indicative of the unfilled needs of the institution. A training school for nurses was suggested in the biennial report of 1904, but appears never to have been organized.[48] In the report of 1922–23 the superintendent commented with regret upon the lack of training facilities for the preparation of psychiatric nurses. A three months' course of lectures and demonstration was given for the attendants. It was made optional and twenty-three men and twenty-two women enrolled and took the greater part of the work. Twenty-three completed the course, took the examinations, and were granted certificates.[49] A recommendation of the same year that the personnel of the state charitable institutions be put under civil service has never been put into effect. An effort to safeguard the qualifications of the superintendent from political appointment is seen in the suggestion that three years' continuous experience in a hospital for mental diseases be required as the minimum qualification. Other recommendations

[47] *Senate Journal* (1912), p. 191.

[48] *Report* (1912–14), p. 20.

[49] *Ibid.* (1922–23), p. 8.

of the same year were: the amendment of the law requiring sheriffs to convey patients to the hospitals and the substitution of the hospital personnel;[50] the construction of state institutions from absolutely fireproof materials; the compensation of the labor of certain patients within the hospitals; the enactment of a law for the detention and treatment of inebriates and drug addicts; also of a law granting the hospital officials authority to parole patients.[51]

The purpose of the farm colony was defined in the 1908–9 report as primarily that of giving healthy, congenial occupation and good care to its inmates; second, to derive as much benefit as possible from this high class steady labor.[52] Reports of its progress continue to be glowing. In 1910 the superintendent reported the colony working like machinery and successful beyond his fondest hopes. The population varied from 80 to 150. The patients were happy and congenially employed. He regretted that there were not funds to build another cottage in the colony for the epileptics so that they could be given occupation and supervision. Contrary to the experience of other state institutions, the plan had not proved more expensive than the congested system.[53] Every year this phase of the institution shows expansion, and the dairy, piggery, poultry department, and garden farms continue to improve.[54] A general statement of March 1, 1928, shows the amount and use of acreage of all land owned by the institution to be as follows:[55]

[50] As recently as the *Biennial Report* (1924–25), p. 18, the superintendent comments: "It has always been the custom for patients to be brought to the Hospital by the sheriff or their deputies of the various parishes. This custom is entirely wrong. When patients are interdicted and are to be brought to the Hospital trained attendants should be sent from the Hospital to bring them in, and the expense of this transportation should be borne by the parish from which the patients came. This would overcome the unnecessary shackling of patients which is contrary to all advanced ideas of handling such people. By the time they reached the Hospital, if handled by trained attendants, they would in the vast majority of instances realize that they were in the hands of friends and institutionalization would be more easily accomplished."

[51] *Ibid.* (1922–23), pp. 34–35.

[52] *Ibid.* (1908–9), p. 16.

[53] *Ibid.* (1910–12), pp. 27–28.

[54] *Ibid.* (1926–27), pp. 75–76.

[55] *Ibid.*, p. 77.

Total acreage of ground owned by hospital	4,681
Total acreage under cultivation	1,135
Total acreage in pasture, woodland, etc.	3,286
Total acreage in buildings, grounds, etc.	240
Total acreage in railway right of way	20

The evils of overcrowding have never been absent. In the census enumeration for 1870, 451 insane and 286 idiots were reported; in 1880, a total of 1,002 insane and 1,053 idiots; and, in 1890, 910 insane and 1,173 feeble-minded. Looking at these figures for the state, and undoubtedly they were at each census fairly incomplete, and then taking into consideration the accommodations offered at the Jackson Asylum for the same period, the answer is found.[56]

In 1870 the report stated that the institution could not properly care for more than 160 persons, but that 213 was the number accommodated.[57] Cellrooms constructed to accommodate the more violent and filthy patients, in spite of the fact that they were found insecure and dilapidated, were crowded with two or three persons at a time. On April 1, 1882, 244 patients were in the asylum, while 184 were retained in the temporary asylum in New Orleans and large numbers were reported in parish jails of the state, which were converted into temporary asylums. The closing of the New Orleans asylum in 1883 resulted in the admission of 129 patients in one day. An epidemic of dysentery which swept the institution in 1884 was so severe and caused so many deaths that the superintendent requested the East Feliciana Medical Association to investigate the sources of infection. They reported that overcrowding and the

[56] The startling increase in the number of insane in the U.S. reported by the census of 1880 over that returned in 1870 and the continued increase during the following two decades was the subject of much comment and speculation. In 1870 (*Compendium of the Ninth Census* [1870], p. 630) 37,432 insane were reported; in 1880 (*Compendium of the Tenth Census* [1880], Part II, p. 1671) the number had increased to 91,959; and in 1890 (*Abstract of the Eleventh Census*, p. 276) to 106,485. But that this was in part only an apparent increase resulting from the greater accuracy of securing returns was soon realized. Furthermore, the better care provided in institutions which resulted in prolonging life, the lessening prejudice against the state institutions, and the effect of the large foreign groups made up of the age groups from which the insane are drawn accounted for a large share in the actual increase in the number of the insane. See "Increase of Insanity," by A. O. Wright, *Proceedings of Conference of Charities and Corrections* (1884), pp. 222–29.

[57] *Report* (1879), p. 25.

weakened condition of patients upon admission were sufficient explanation for the spread of any epidemic.[58] Between 1890 and 1900 the number increased from 448 to 1,206.[59]

From the beginning the institution had received the feeble-minded, the idiotic, and the senile, as well as the insane. Of the 129 patients admitted from the New Orleans Asylum, 52 were epileptics, 31 idiots, 3 blind, 11 paralytics, 2 near death when received, and 2 supposed to be one hundred years old.[60]

The problem of the chronic insane received attention in 1886, when there was a recommendation for a separate institution, but the governor in his message to the legislature advised instead that necessary repairs and additions be made to the Jackson Asylum before attempting another institution.[61] The recommendation of the Board in 1890 was rather for another asylum for the idiots and epileptics,[62] and there was no further discussion regarding separation of the chronic from the acute cases.

The hope that the new institution at Pineville, which was provided for in an act of 1902, would relieve the congestion at the Jackson hospital was short-lived. The 1902–4 report stated that the hospital was crowded to the limit, with 1,379 patients and a waiting list of 260. The removal of the 240 negroes to Pineville would not even care for the large number detained in jails and almshouses awaiting admission.[63] But when the new hospital opened in 1906 only 91 patients were transferred. However, the superintendent of the Jackson Asylum issued a circular letter to every sheriff in the state and to the coroner of the city of New Orleans requesting information regarding the number of insane waiting admission into one or the

[58] *Biennial Report of the Board* (1884), pp. 17–19.

[59] The numbers for the different years were:

1890: 448	1896: 871
1892: 601	1898: 1,010
1894: 717	1900: 1,206

Compiled from the reports of those years.

[60] *American Journal of Insanity*, p. 124, "Report" for 1884.

[61] *House Journal* (1886), p. 15.

[62] *Report of the Board* (1890), p. 7.

[63] *Ibid.* (1902–4), p. 7.

other of the state hospitals. In reply 183 applications for admission were received.[64] The following year the superintendent reported that 194 persons were in need of care, 100 of whom were in New Orleans. There were 115 males, of whom 91 were white and 24 colored, and 82 females, of whom 64 were white and 18 colored.

The superintendent continued to circularize the parishes. In 1910–12 fewer insane were reported in the jails and almshouses than for many years, and of the total number, 150, 60 were in New Orleans. New buildings completed in the biennial period 1922–23 increased the capacity of the hospital about 250 beds, but it was already so overcrowded in many sections that there were more than enough patients in the hospital together with those waiting admission in the mental hospital in New Orleans to fill the new wards.[65] Successive reports have recommended the establishment of a third hospital in the state as the Jackson institution will be unable to function with the highest efficiency until the growth of its population stops.[66]

No more significant change has taken place in the administration of the hospital than in the more careful budgeting, better auditing, and fuller financial accounting of funds appropriated for maintenance and building. But per capita costs remained incredibly low in the early part of the century.

In 1912 the Committee again urged the legislature to be more liberal in appropriating funds for this hospital. The amount allowed permitted a per capita expenditure of 30 cents a day which, as the Committee pointed out, was less than it cost to feed a horse. They recommended as a minimum 33 cents a day. Reports from a number of state institutions over the country showed that with its daily per capita cost of 30 cents, the Jackson Hospital ranked among the lowest. Obviously the milder climate and lower cost of food supplies in Louisiana accounted somewhat for this difference. Of those institutions comparable in location and conditions, the Alabama Insane Hospital with a daily per capita expenditure of 29 cents was lower

[64] *Ibid.* (1904–6), p. 11.

[65] *Ibid.* (1910–12), p. 12.

[66] *Ibid.* (1924–25), p. 20.

whereas the Georgia State Hospital spent 31 cents and the East Mississippi Insane Hospital 32 cents a day.

From 1906 to 1928 the average daily per capita cost rose from 25 cents to 67 cents. This is set forth in the following table:[67]

TABLE OF MAINTENANCE AND NUMBER OF EMPLOYEES

Year	Officers	Male	Female	Number Patients	Per Capita Cost per Day	Per Capita Cost per Year
1906	8	67	47	1,379	$0.25	$ 91.25
1907	8	71	49	1,293	.29	105.85
1908	8	70	48	1,342	.26	94.90
1909	9	71	47	1,383	.31	113.15
1910	9	64	55	1,319	.31	113.15
1911	8	73	58	1,430	.29	105.85
1912	8	84	58	1,463	.29	105.85
1913	8	91	56	1,502	.33	120.45
1914	8	92	67	1,496	.33	120.45
1915	9	99	69	1,544	.41	149.65
1916	9	90	81	1,641	.42	153.30
1917	9	95	76	1,678	.42	153.30
1918	11	98	80	1,657	.53	193.45
1919	11	95	69	1,675	.53	193.45
1920	11	124	78	1,721	.55	199.75
1921	11	150	90	1,864	.55	199.75
1922	12	199	102	2,021	.578	210.97
1923	12	163	110	2,109	.578	210.97
1924	17	152	104	2,163	.62	226.30
1925	19	166	113	2,250	.62	226.30
1926	22	201	119	2,409	.668	243.82
1927	23	210	151	2,492	0.668	243.82

The presence of the pay patient in the state institution no longer perturbs the legislature as it did in the days when special apartments were set aside for them. In 1908 the legislature enacted that no charge for care and maintenance of patients in the insane asylum of the state would be required.[68] Although the families and guardians of certain patients do still pay partially for their support, such patients are presumably given the same care as the so-called pauper patient and no statistical count of them appears separately in the annual reports. Receipts from such patients for the biennial periods 1904–6 to 1925–27 were:

[67] *Report* (1926–27), p. 90. Annual per capita costs added.

[68] *Louisiana Laws* (1908), p. 369.

RECEIVED FROM PAY PATIENTS, 1904–27,
EAST LOUISIANA STATE HOSPITAL

1904–6	$11,132.40
1906–8	11,995.71
1908–10	9,184.11
1910–12	.....
1912–14	.....
1914–16	.....
1916–18	.....
1918–20	1,289.35
1920–22	12,868.39
1922–24	10,856.30
1924–26	15,501.60
1926–28	17,563.41
Total	$90,391.27

Innumerable donations of supplies are set forth in each report. Cash contributions have not been either large or numerous, and total only $68,819.25.

The budgets for 1928–29 and 1929–30, as requested by the Board of Administrators, totaled $736,455 and $704,827. The estimates are given here. The amounts granted by the legislature were $312,000 for each year, or a total of $624,000, or less than half the amount asked for by the Board of Administration.

BUDGET 1928–29 AND 1929–30 AS SUBMITTED TO
LOUISIANA TAX COMMISSION

Necessary Expenses	1928–29	1929–30
For support, maintenance, etc.	$554,150.00	$581,857.00
Fuel account	63,305.00	66,470.00
Freight and express	12,000.00	14,000.00
Railroad maintenance	7,500.00	7,500.00
Betterment and comforts	6,300.00	6,500.00
Dentistry work	3,200.00	3,500.00
Improvements and repairs	15,000.00	15,000.00
Insurance account	.....	10,000.00
Laundry extension and equipment	10,000.00	.....
Well	5,000.00	.....
White female building	50,000.00	.....
Water purifying system	10,000.00	.....
Total	$736,455.00	$704,827.00

Epidemic diseases, with the exception of the influenza epidemic of 1918, have very nearly disappeared. In 1909 the number of patients suffering from pellagra was so alarming that the United States Public Health Service was asked to make a study of the situation. An excessive corn diet deficient in vitamins was found responsible.[69] The following year tuberculosis headed the list of diseases causing deaths. The large number of newly admitted patients brought from jails and almshouses in advanced stages of the disease accounted for increased mortality. The hospital was without facilities for the segregation of these patients, and the spread of infection to other patients was an accepted fact. But the report contrasts favorably the existing facilities with those formerly available for the sick:

> Especially because of our large death rate for the past two years, we feel it not amiss to speak of the splendid hospital sick wards service that all our population receives today. Contrary to past custom, when individuals were sick they were merely put in their individual rooms and were attended by the ordinary ward attendants and visited when needed by the physician in charge. Such a system was inadequate and yielded the poorest service. There was actually no night service at all. The ordinary night watchman who patrolled the yards and buildings was supposed to attend to the wants of the sick and dispense the medicine as well. Conditions have so changed that six well equipped and manned hospitals are conducted for the acute case and whenever a patient shows the least sign of ailment he or she is immediately brought on a stretcher to the hospital where constantly the best day and night service was available at all times.[70]

Two new small cottages for tuberculous patients were completed in 1923, one for male and the other for female patients. The old cottages were remodeled and occupied by the feeble-minded and deteriorated dementia praecox patients. Thus, classification proceeds as more adequate space is provided. One colony located eighteen miles from the hospital was abandoned. The distance and bad condition of the roads the greater part of the year made it difficult and often impossible for the physicians to supervise the patients placed there.[71]

The Parker Hospital, with a bed capacity for 60 patients, which opened in 1927, filled a long-felt want in the treatment of the med-

[69] *Report* (1908–9), p. 18.

[70] *Report* (1910–12), pp. 13–14.

[71] *Ibid.* (1922–23), pp. 15–16.

ical and surgical conditions. The report for 1926–27 comments as follows:

> Its well equipped Operating Room, the Treatment Rooms, the Ear, Eye, Nose and Throat Department, the Dental Department, the Pathological, X-Ray, and Psychotherapy Laboratory, afford every facility for the diagnosis and treatment of disease and surgical conditions that can be found in the most modern sanitoriums. . . . . The diet kitchen of this department is furnishing excellent food not only for the Hospital building but also for the Tubercular pavilions which form a part of the Hospital system. The Hospital and Tubercular pavilions are under the direction of graduate nurses. The facilities mentioned above permit of a thorough clinical examination of every patient entering the Hospital and allows the medical staff an opportunity to determine whether we are confronted with a neurological or mental disease due to infection or physical disorder, or a psychosis which is purely psychogenic in its origin.[72]

The staff meeting, which plays so important a part in the diagnosis and treatment of mental patients, is held three times a week.[73] During the last biennial period some member of the staff has conducted a psychiatric clinic in New Orleans once a month for the purpose of examining paroled and discharged patients.[74] The superintendent also recognizes the need of holding clinics in all the principal towns and cities of the district but, owing to the limited staff of the hospital, is unable to undertake such an activity.[75] The superintendent feels that the co-operation of visiting and consulting specialists is excellent, particularly in view of the isolated location of the institution. In 1923 a dietitian was employed and while she remained only two months she demonstrated the need for trained service.[76]

On the therapeutic side "moral treatment," "labor," and "diversional treatment" have developed into occupational therapy. Since the brickyard was started in 1849, the labor of patients has contributed substantially to their maintenance. As the institution expanded, the garden and farms were almost exclusively cultivated by the insane. In 1884, 150 acres out of the 170 owned by the institution were planted and a garden and poultry yard were manned by patients.[77] By 1900 every patient whose condition permitted was reported as employed. A large number of the men were assigned to making moss mattresses, and in 1899 11,650 were manufactured.

[72] *Ibid.* (1926–27), pp. 8–9.
[73] *Ibid.* (1922–23), p. 6.
[74] *Ibid.* (1926–27), p. 10.
[75] *Ibid.* (1924–25), pp. 18–19.
[76] *Ibid.* (1922–23), p. 8.
[77] *Senate Journal*, p. 213.

They also worked in the kitchen, bakery, carpentry, and blacksmith shops, stables, and barns, while the women did the laundry, ironing, and sewing.[78]

Occupational therapy includes all forms of industrial work carried on in and outside the institution and is done only under the doctor's prescription. In 1923 one of the occupational therapy workers[79] was sent to the Illinois State Hospital for a period of five months' training and on her return was made head of the work. The department has been very much expanded and a School of Occupational Therapy was inaugurated in 1927. Members of the faculty of the state university at Baton Rouge have shared in the instruction. The usual type of activities, such as toy making, basket weaving, etc., are carried on. A large number of patients continue to be employed on the farms, in the gardens, dairy, poultry yards, kitchen, laundry, bakery, sewing-room, tailor shop, mattress factory, shoe shop, and in labor on new buildings. All patients are encouraged to carry on some occupation but only with the written permission of the physician.[80] A beauty parlor has been established for female patients as a means of preventing physical deterioration.[81]

The report for 1924–25 states: "There is no more important department in Hospital management than a properly functioning Social Service Department."[82] The hospital maintains but one social worker who has her headquarters in New Orleans, visiting the hospital about one week in every month. Over 60 per cent of the hospital population is from Orleans and the adjacent parishes, and therefore New Orleans is the logical location from which to conduct her activities in connection with the paroled patients. The superintendent regards her function of great importance: the securing of the social history; visiting the home prior to parole; and the follow-up of patients discharged or paroled in order to assist them in their adjustment to community living. Distances are so great that it is obviously impossible for one worker to cover the entire district.[83]

[78] *Report* (1900), pp. 1–40.

[79] The report gives five.

[80] *Biennial Report* (1922–23), p. 15.

[81] *Ibid.* (1924–25), p. 16. Unfortunately, following a change in the administration of the hospital in 1929, the occupational therapy department no longer functions as it did and the services of the one social worker are no longer available.

[82] P. 14.

[83] *Report* (1922–23), pp. 11–13.

The law of 1847 specified *state* care for all the insane, but probably at no time has the city of New Orleans been free from making some provision locally. The city at present maintains a City Hospital for Mental Diseases which is forced to retain patients beyond the diagnostic period. In most states, due to the exigencies of the situation, the larger cities developed some system of municipal care, though everywhere the theory of state care prevailed. There was always the thought that such care would only be temporary, but with the lack of accommodations for both the chronic and the acute, either the insane held locally remained indefinitely or chronic cases returned by the institution took their places.[84]

The temporary asylum, opened in New Orleans in 1854, has been described. In 1880 and 1881 the state legislature appropriated $10,000 toward its support. In 1882, the appropriation of $60,000 to Jackson specified that $20,000 of the amount should not be paid unless the insane asylum at New Orleans was removed to Jackson and in case this was not accomplished $10,000 of the appropriation was again to go to it. A report[85] of a Committee from the legislature who inspected the temporary asylum in 1882 indicated that conditions were little better than before the Civil War. About 180 were "imprisoned in a prison for the insane" located at the rear of the city in a malarial swamp. No medical man resided at the institution. Although there had been no epidemic the previous year, 69 had died. Of the 170 patients there, 25 were residents of other parishes. The Committee argued against the unfairness of expecting the city of New Orleans to pay five-eighths of the state's taxes and at the same time support its own insane. The cost of maintaining the local asylum for the years 1871–80 totaled $2,118,527.25, the amounts varying from a lower counting of $15,259.19 of 1873 to $41,121.05 in 1872.[86]

In 1883 this institution was closed and the patients removed to

[84] Only in one state, Wisconsin, has the care of the insane by the counties been adopted as definite policy of the state. See Hurd, Vol. I, chaps. ii and vi.

[85] *House Journal* (1882), p. 314.

[86] *Ibid.*

1871:	$16,625.13	1876:	$19,008.09
1872:	41,121.05	1877:	15,470.89
1873:	15,259.19	1878:	21,465.10
1874:	21,019.01	1879:	24,148.43
1875:	17,731.79	1880:	20,004.04

Jackson, but local care continued in the jail, the house of detention, and the Louisiana Retreat. In 1888 a resolution of the city council stated that the city was under a daily expense of $80 for the care of the insane of adjoining parishes. Since the state was not only equitably but legally bound to provide care for them, the legislature was urged to make sufficient appropriation to care for all the indigent insane of the state.[86a] The same year an act to reimburse the city for the care rendered the insane was lost.[87]

In 1907 the Board reported as follows regarding the expenditure of $16,955.80 for patients in New Orleans:

> It is evident from these reports that the question of providing a proper building for temporary care and housing of the insane is not only a humanitarian question but an economical one, for it has cost the city for the simple care and maintenance of the insane at the Louisiana Retreat $5,227.00 over the year of 1907. Had the city appropriated $15,000 for the construction of a proper building and made some additional provision for the proper attendance for their maintenance above that made for the House of Detention, the city would have owned the building and in future years it would have only to provide for the care and maintenance.[88]

In 1909[89] the city council established the position of city alienist for the treatment of those patients confined in the house of detention and to give evidence in the courts in interdiction cases, and in 1911[90] erected the City Hospital for Mental Diseases. The purpose of this institution was the treatment of the indigent mental cases committed from the local courts until (*a*) a cure is affected, (*b*) in the judgment of the medical officer the person may safely be discharged, or (*c*) until it is possible to transfer the patient to one of the state hospitals.

Three methods of admission to the hospital were recognized: (1) a person could become a voluntary patient by making application for admission after obtaining the approval of the medical officer; (2) by being brought either by the police and by relatives when insanity is suspected, for observation for seven days; (3) the courts

[86a] *House Journal* (1888), pp. 166–67.

[87] *Ibid.* (1888), p. 327.

[88] *Report* (1907), pp. 6–7.

[89] C.C.S., No. 5631, February 2, 1909.

[90] *Ibid.*, No. 6131.

could make a ten-day commitment during which time the alienist must make his report.

At the opening of the hospital 49 patients were transferred from the house of detention and 46 from the Louisiana Retreat.[91]

This institution has been the subject of continuous criticism. The city alienist receives a salary of but $1,800 and is made responsible for the entire administration of the hospital, the medical care of the patients, and the necessary courtwork. As he is without clerical assistance, he must also do a large share of the record keeping. The mayor appoints the city alienist, while he is also responsible to the Commission of Public Safety. In the report made by the Municipal Survey Commission,[92] it was recommended that the hospital be closed as a city institution and the state urged to assume all responsibility for the care of the insane. A suggestion was made that Charity Hospital should operate a psychopathic ward and an outpatient department for observation and temporary care. When these recommendations are carried into effect the last step in the dark history of local care of the insane by the city of New Orleans will have been taken.

[91] *Fifteenth Annual Report of the Board of Commissioners of Prisons and Asylums* (1911), p. 6.

[92] By virtue of Ordinance No. 1, C.C.S., December 2, 1912, giving the commissioner of public safety the supervision and management of all public charity and relief. See *Administrative Survey of the Government of the City of New Orleans,* submitted by the Municipal Survey Commission, January 10, 1922, chap. v, "Charities and Corrections," pp. 250–66.

CHAPTER X

CENTRAL LOUISIANA STATE HOSPITAL

It will be recalled that the institutions so far discussed received both white and colored patients. Before the Civil War there was a prevailing idea that insanity was rare among the negroes and particularly so among slaves.[1] Arguments advanced for the rapid increase after the war were the less protected mode of living of the slave population, an increase in the use of alcohol, and greater prevalence of specific diseases.[2] Moreover, the majority of slaves previously cared for by their masters were, when emancipated, thrown upon the county and state for care.[3]

[1] "In 1848 Dr. J. M. Galt, of Williamsburg, Virginia, in writing of the colored insane, observed that the proportional number of slaves who became deranged is less than that of free colored persons and less than that of the white." See "The Colored Insane," by J. W. Babcock, physician and superintendent of South Carolina Lunatic Asylum, *Proceedings of Conference of Charities and Corrections* (1895), pp. 165–94. Also Hurd, *The Institutional Care of the Insane in the United States and Canada,* Vol. I, chap. xi.

[2] For a discussion of this question see W. M. Bevis, "Psychological Traits of the Southern Negro with Observation as to Some of His Psychoses," *American Journal of Psychiatry,* I (1921–22), 68–78. Also "Psychosis among Negroes," a comparative study by E. M. Green, clinical director, Georgia State Sanitarium, *Journal of Nervous and Mental Diseases,* Vol. XVI, No. 11 (November, 1914). He states that in 1870 of the 380 patients confined in his institution 321 were white and 59 were colored. During the next ten years, the proportion of negroes increased more rapidly than did the whites, and in 1880 the ratio was 1 to 4. In 1900 a ratio of 1 to 2.2 was reached and had remained stationary up to the writing of the article. The first superintendent of the Central Louisiana State Hospital expresses the following point of view: "When the Negroes first came to this country, imported as slaves, they were as a rule selected from among the adult specimens in good physical condition. During their several hundred years of servitude they were kept in better sanitary environment than they had ever known. They were valuable property and therefore, if for no other reason, compelled to adopt good habits, lead regular lives and subjected to good physical, healthful exercises, and prevented from indulgence in any of the vices which would undermine or sap their mental or physical health . . . . since obtaining their freedom they have indulged in all excesses possible to them. As a result the liquor and cocaine habits, the ravages of syphilis, since the restraining influence of white civilization has been removed" (*Report,* East Louisiana Hospital [1904], p. 31).

[3] The institution at Williamsburg, Virginia, received a free mulatto woman for care as early as 1774, and it was the policy of the Virginia institutions to make no dis-

The Jackson Asylum cared for a few slaves from its opening. One of the earliest reports after the war (1867) commented on the increase in the number of negroes committed as paupers and supported by the state. The suggestion was made that the federal government through the Freedmen's Bureau be approached to provide for their care.[4] The number continued to increase until by 1902 there were 925 white patients and 463 colored in the hospital.

In 1902, Governor Heard, in his message to the legislature, recommended the establishment of a new asylum in some other locality for the exclusive use of colored patients.[5] The following year[6] an appropriation of $25,000 was made for the erection at Alexandria of buildings for the insane colored persons, and on January 6, 1906, the new institution opened its doors.

This institution was built to accommodate approximately 400 patients. Although originally designed exclusively for colored patients, the plan was abandoned before the institution opened.[7] In 1904 the superintendent of the Jackson Asylum pointed out that as there were already 490 colored patients there, the new institution could not possibly care for all of them, and in view of the 214 applicants, mostly white, awaiting admission, it would be unwise to exclude white patients.[8] The optimistic expectations of the governor that the new hospital would provide sufficient accommodations for the many insane in the jails of the state were short-lived, for in 1906, shortly after it opened, a Committee for the legislature found both institutions so crowded that they predicted that provision for caring for 2,500 insane persons would soon be needed.[9]

In 1908 they reported the criminal insane and tuberculous patients housed together and urged the erection of further buildings

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tinction as to color. The South Carolina and Kentucky asylums also admitted negroes. In 1866 Tennessee provided a separate building. See *American Journal of Insanity*, XXVII (1866–67), 496.

[4] *Report of the Board* (1867), p. 6.

[5] *Senate Journal* (1902), p. 20. See also *Louisiana Laws* (1902), p. 144.

[6] *Louisiana Laws* (1903), Extra Session, pp. 5–6.

[7] In 1904 the name was changed to the Louisiana Hospital for the Insane (*Louisiana Laws*, 1904, p. 314).

[8] *Senate Journal* (1904), p. 33.

[9] *House Journal* (1906), p. 228.

and more adequate appropriations for both hospitals.[10] The first patients admitted were of the most hopeless and incurable type; many of whom had lingered in jails and elsewhere. Segregation was reported out of the question until additional dormitories were built. The superintendent urged that all future additions be located at Pineville rather than at Jackson, as the latter institution already cared for between 1,300 and 1,400 patients. Furthermore, its isolated location necessitated two, three, and sometimes four lines of travel to reach the hospital, and patients west of the Mississippi River were forced to go by a circuitous route via Baton Rouge or New Orleans to get there.[11]

By 1910 the institution was so crowded that patients in the white male and colored female wards were sleeping on the galleries. Many applicants from both races were refused admission and were consequently held in jails throughout the state. Although supposedly the hospital admitted only from the Second District, that is, the central part of the state, during this biennium period, it had taken 101 patients from the First District, 64 of whom came from New Orleans.[12] In 1912 the institution presumably accommodated 559 patients, but because of urgent demands, the superintendent found it necessary to admit an additional 75 patients who were housed temporarily on the galleries. By April 1, 1918, there were 947 patients reported in the hospital.[13] In 1922 the report stated there were 300 more patients in the hospital than the normal capacity permitted, and that they were crowded, two in a room, on the galleries, and in restrooms.[14]

In succeeding reports the superintendent referred to the hospital as a very "poor boarding house" on one hand and a reformatory on the other. Many persons not insane were committed, and the proceedings in many of the parishes appeared very lax.[15] In 1924 the Board commented as follows:

> In the last biennium report the superintendent called attention to the increasing demands made for the admission of people not really entitled to its benefits, viz., old and feeble people suffering simply from eccentricities of senility and perhaps, untidy, whose relatives do not wish to take care of them, especially

[10] *Ibid.* (1908), pp. 106–7.
[11] *Report* (1908), pp. 9–17.
[12] *Ibid.* (1910), p. 11.
[13] *Ibid.* (1918), p. 8.
[14] *Ibid.* (1922), pp. 22–23.
[15] *Ibid.* (1920), p. 11.

"in-law" relatives. These people should be kept at home or sent to an almshouse and not to a hospital for insane; another class of applicants are those guilty of minor crimes and who transcend the moral law in one way or another. These people should be sent to a house of correction or to jail. This institution is a hospital for the mentally sick and not a reformatory.[16]

It had been anticipated that the new State Colony and Training School for the Feeble-minded, which opened in temporary quarters December 21, 1921, would relieve the congestion at the two hospitals. However, the facilities were inadequate and the policy of admitting only educable patients resulted in the transfer of but 22 patients from the Jackson hospital and 15 from Pineville.[17] The 1926 report[18] again repeated the complaint that the presence of the old and infirm converted the Pineville hospital into an almshouse. The care of an aged negro man sent to the hospital from one of the northern parishes is cited. Upon examination it was found that he was not insane, and on investigation it was revealed that he was on the pauper list of the parish who paid his brother for his care. The brother, deciding that he was not paid sufficiently, persuaded the parish officials to commit him to the state hospital.[19]

The act of 1904[20] provided for a Board of Administrators consisting of eight members to be appointed at large with the governor serving ex officio. Overlapping terms of four years were specified. The early administration of the hospital appears to have been very unsatisfactory. In his message to the legislature in 1912, the governor stated that prior to the appointment of the new superin-

[16] *Ibid.* (1924), pp. 9–10.

[17] *Biennial Report of the Board of Administrators of the State Colony and Training School* (1920–22), p. 8.

[18] *Ibid.* (1926), p. 12.

[19] *Ibid.* (1926), p. 12. The superintendent's report of the patient population for the biennial period April 1, 1924, to April 1, 1926, is given below:

Remaining in the hospital April 1, 1924	1,099
Discharged during the biennium	504
Died during the biennium	155
Admitted during the biennium	690
Remaining in the hospital April 1, 1926	1,130

See *ibid.*, p. 10.

[20] *Louisiana Laws* (1904), pp. 314–16. The geographical distribution of the members of the first Board was as follows: the vice-president, not given, three for Rapides parish, two East Baton Rouge, one Avoyelles, and one Natchitoches parish.

tendent in 1909 no progress had been made. There was no effort to expand the hospital, to provide occupation or outdoor life for the patients; the sanitary conditions were bad with a resulting high death-rate.[21] Improvements had been made, however, in the following respects: a card index had been installed and a complete revision of the records had been made; the modern classification of mental diseases had been adopted; hospital wards had been established; the tuberculous patients had been segregated and treatment along modern lines had been instituted; foul-smelling toilets had been removed; a canning outfit and syrup mill had been built; and drainage and concrete walks had been constructed.[22]

Several of the reports made the plea that the administration of the hospital be taken out of politics. In the 1912–14 report the Board thanked the governor for retaining the superintendent and commented, "With or without reason a movement is stalled when changes of state administration occur, agitating the removal of the superintendent of the hospital for the insane, to make way for some obscure, inexperienced man of no proven executive ability who wants 'a job.' "[23]

During the biennium period 1914–16, in addition to the many visits of inspection by the president of the State Board of Health, the hospital was twice subjected to investigation, once by the legislative investigating committee, known as the Probe Commission, and the other by a staff representative of the *New Orleans Times-Picayune*. The first investigation lasted two days, during which time the general management of the hospital and especially the accounts were looked into. The second investigation lasted between two and three weeks and was much more exhaustive, going back to the opening of the institution. The main criticisms made were the absence of proper fire protection and the lack of facilities for serving warm meals. The complaints were considered well founded and both conditions were reported as corrected.[24]

However, adequate fire protection could not have been provided, for the 1926 *Report* comments:

[21] *House Journal* (1912), p. 30.

[22] *Report* (1912), p. 13.

[23] *Ibid.* (1914), p. 4.

[24] *Ibid.* (1916), pp. 18–19.

In every biennial report I have made for many years I have called attention to the terrible fire risk to which the patients of this institution are subjected. . . . . Were a fire to occur at night the loss of life would be terrible and appalling and such a disaster would shake this commonwealth from center to circumference. There are five buildings here now, four of which are known as the Heard buildings and the other known as the Blanchard building, all of which should be fireproofed. I have consulted one of the largest and most practical building contractors in the state and he says that we could strengthen and fireproof these buildings without great cost. While every effort has been and will continue to be made to prevent fire and while the Alexandria and Pineville fire departments have with the most commendable alertness and quickness responded to any fire calls made by us on them, this potential danger hangs over us and I once more appeal to the members of the legislature to remedy this condition by appropriating sufficient money to fireproof these buildings. It should be done even if the state has to borrow the money to do it.[25]

Appropriations for the maintenance of the institution have increased from $140,000 in 1904 to $371,500 in 1928–29, with a corresponding increase in patients from 490 to approximately 1,130. It is impossible to estimate from the reports with any degree of accuracy, the comparative per capita costs from year to year, as the farm and dairy products, which are a substantial part of the subsistence of patients and personnel, are not included in the cost of maintenance. As long as the pressure to admit more patients than the hospital can properly accommodate continues, careful estimates of needed appropriations would seem out of the question. The superintendent reports that as a general rule there are always from fifty to a hundred more patients cared for than the number for which appropriations are made. Revenue from pay patients provided for by the act of 1918 is expected to increase. A monthly rate of $20 fixed by the Board is obviously very low.

The lack of even the most essential facilities for modern treatment of the mentally ill at the opening of the hospital, the meagerness of state appropriation especially prior to 1909, and continuous overcrowding of the institution established a standard of care which raises many questions. Prior to 1909, the health record of the patients was unquestionably bad with a high death-rate. That peculiarly institutional disease, amoebic dysentery, was prevalent, and pellagra, due to the corn diet, carried off 40 patients. The Sunday

[25] *Ibid.* (1926), p. 15.

dinner which was cited as an example of a good diet consisted of soup, roast beef, potatoes, rice, beans, vegetables, macaroni, and light bread.[26] Improvements made in the sanitary arrangements of the institution and the drainage of mosquito breeding places after 1909 considerably improved the general health of the inmates.[27]

Tuberculosis, however, remains prevalent, especially among the colored female patients. Patients have been infected after admission to the hospital, and the 1926 *Report* states that they are still without separate wards for this group. In fact, the institution lacks adequate facilities for the treatment of medical and surgical conditions.

As to the use of restraint the superintendent comments as follows:

> There is no medicinal restraint employed whatever and mechanical restraint is only employed to prevent injury and destruction. The term restraint, however, is relative and the substitutions for restraint employed in some institutions are far worse for the patient than the restraint used. To set a noisy and destructive patient in the fresh air and sunlight on a large dormitory gallery under the constant watchfulness of an attendant is in my opinion far less harmful than to confine him unrestrained in a closed room to himself. . . . .[28]

Daily occupation is considered an important part of treatment, although the reports do not state whether work is assigned under the doctor's prescription or not. In the *Report* for 1912, it was stated that 80 per cent of the work done in the institution is provided by negro inmates who work in the field and garden and at cutting wood; while the laundry-work for more than 700 people is done by the negro women. The white female patients do sewing and mending, practically nothing else. It is also stated that only about 30 per cent of the white male patients are available for profitable work. More recent reports speak in general of the fact that patients are kept occupied. There is, however, no occupational therapy department as such. Nor is there any evidence that social service is considered an important adjunct in treatment. Great emphasis is placed upon the inherited nature of mental diseases, and every re-

[26] *Report of the Board of Administrators* (1915), p. 13.

[27] *Ibid.* (1910), pp. 15–16.

[28] *Ibid.* (1926), p. 19.

port contains a plea for a sterilization law as the only effective measure for controlling the problem.[29]

There were in the hospital April 1, 1926, 1,130 patients. During the biennium 1924–26 the official personnel consisted of 100 persons of whom the superintendent, the assistant superintendent, two assistant physicians, a pathologist, a visiting physician, a visiting oculist, a matron, a clerk and an accountant, a bookkeeper, two stenographers, a treasurer, an ex officio secretary, and a pharmacist may be noted.[30]

THE CRIMINAL INSANE

An early law[31] of 1844 provided that persons answerable for crimes or misdemeanors, acquitted by the grand jury by reason of insanity, were to be deemed dangerous to the safety of the citizens and the court was authorized to commit such persons to the Insane Hospital of New Orleans or to any similar institution in any parish. No further legislation on this subject was passed until 1896,[32] when provision was made for the commitment of persons becoming insane while imprisoned in the penitentiary. The law provided for their transfer to the Jackson Asylum after commitment proceedings by the court. Upon recovery, the person was to be returned to the penitentiary there to serve out the unexpired portion of his sentence.

The law of 1910[33] as amended in 1918[34] sets forth the present provision for this group. In accordance with these acts, wards were to be set apart in the Jackson institution for the purpose of keeping

[29] Senate Bill No. 245 introduced in the 1926 legislature passed both houses but was vetoed by the governor (*Senate Journal* [1928]).

[30] *Report of the Board of Administrators* (1924–26), p. 36.

[31] *Louisiana Laws* (1844), p. 19.

[32] *Ibid.* (1896), p. 153. The commitment proceedings following the decision by the warden of the penitentiary or the court, if insanity is the plea, is important. In *Kennedy* v. *Uniacke,* 48 La. Ann. 1230, the court said: "Where a party has been indicted and his counsel suggests his insanity before trial and a commission is appointed to inquire into his mental condition and reports him to be insane and the jury returns a verdict accordingly and the judge of the criminal court remands him to the parish prison without commitment to the insane asylum, the judge of the civil district court has authority under section 1768 Revised Statutes to inquire into the facts and circumstances of the case and if in his opinion he is dangerous to the citizens and the peace of the state, to commit him to the insane asylum of the state." See also *State* v. *Oteri,* 129 La. 921 (1912).

[33] *Louisiana Laws* (1910), p. 454.

[34] *Ibid.* (1918), p. 483.

in custody and treating those accused or convicted of crime. When in the opinion of the superintendent an accused person recovers his sanity, he is sent back to the jail or custody from whence he came to be held for trial or that sentence may be executed upon him, as the case may be, in accordance with the law. A person convicted of crime punishable by death or by imprisonment in the penitentiary upon restoration to sanity is not to be discharged into the custody of the sheriff until the superintendent of the East Louisiana Hospital, the superintendent of the Louisiana Hospital, and in case of their disagreement, a physician appointed by the judge of the district court, are satisfied that he is completely restored to sanity and certifies to that effect in writing. The finding of the Commission is subject to review by the court having jurisdiction of the person.

The law of 1910 directing separate care for the insane criminal carried with it no appropriation to carry the law into effect. The hospital was already greatly overcrowded, and practically nothing could be done beyond the caring for them on the farm colony as was the practice. Adequate supervision was impossible, and from time to time convicts escaped and remained at large. Separate buildings have since been erected several miles from the main hospital. In keeping with the provision of the law, the superintendent of the Central Louisiana Hospital goes to Jackson twice during the year to serve with the superintendent of that institution in examining such patients as have been restored to apparent normality.

SUMMARY

Many states incur the criticism that their care of the insane remains custodial and that active state-wide measures for the prevention of mental diseases are lacking. Particularly can this be said of Louisiana. Per capita costs remain too low for the proper physical care and housing of these patients, and the better facilities for diagnosis and treatment are still lacking. Standardization of state hospitals has gone forward rapidly since the war, and certain criteria may now be sought for comparison.[35]

[35] For a comparison of the cost of maintenance in state hospitals for mental diseases for the fiscal years 1917–18 and the number of patients, physicians, and employees for 1918, see *Mental Hygiene,* IV (1920), 145–54, 157. The Committee on Standardization of the American Psychiatric Association have outlined certain mini-

Standardization of type of care as between the two institutions is also pertinent. Taxpayers from one section of the state might demand as high grade service to the patients from their parishes as those from other parishes receive. Appropriations for maintenance should be based on the same per capita cost and efforts should be made to equalize the professional service rendered the patients. If occupational therapy, physiotherapy, and a social service department are essential to the treatment of patients in the Jackson Hospital, similar provision should exist at Pineville.

The urgent need for a well-developed follow-up system for both hospitals is apparent. This should include a staff of well-equipped social workers able to aid in the treatment still necessary for those patients discharged from the institutions all over the state. The one worker now on the staff of the Jackson Hospital reaches only New Orleans patients and no "follow-up" is attempted with the patients from Pineville. The long experience of other state hospitals showing that such service is not only requisite to the scientific treatment of the mental diseases but at the same time a true economy in decreasing the number of patients readmitted to hospitals, can be drawn upon by the Louisiana institutions.

Probably no one factor is more influential in raising standards of care in hospitals for mental diseases than supervision. Visitation on the part of early Board members has been discussed, as well as the annual inspection visit of the Joint Committee from the House and Senate. The latter have continued primarily for the purpose of ascertaining the amount needed as appropriations for the coming year. Their reports are necessarily general and merely repeat facts furnished by the superintendent. Likewise, supervision by the State Board of Charities and Corrections can be but advisory owing to lack of staff and limitations of power.

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mum standards. Some of the more important are: adequate medical care, no less than one physician to 150 patients and to the number admitted annually no less than one to 40 patients; provision for dental work; clinical histories of all patients; nursing service with no less than one nurse to eight patients and in intensive treatment one to four; a medical library and a journal file; an out-patient department with trained social workers, etc. See *American Journal of Psychiatry* (1924–25), pp. 400–401.

CHAPTER XI

THE EARLY TREATMENT OF THE CRIMINAL

ORIGINS OF CRIMINAL JURISPRUDENCE

Probably for no group is it so difficult to administer wise laws and efficient and humane institutions as for the adult offender. To direct in channels that may be educational to the prisoner, and at the same time remunerative to the state, the labor of a thousand and more presumably able-bodied persons is in itself a task of the first magnitude. Louisiana appears on the whole to have been humane in its treatment of the state prisoner, and it is the experience everywhere that the potential value of such labor may tempt the state to emphasize self-maintenance rather than reformation. Especially must the composition of the prison population, which it is estimated has averaged from 85 per cent to 65 per cent negro since the state assumed control in 1901 with but from 2 per cent to 4 per cent women, be kept in mind when considering the efforts of the state to work out a penal farm system.[1]

Certainly the heroic part played by the prisoners in the protection of the property of the citizens of the state from the several overflows of the Mississippi River should not go unmentioned. Especially valuable service was rendered in 1922, and again in 1927 during the most devastating flood in the history of the state the convicts were reported toiling heroically on the levees often at considerable danger to their own lives in order to save Louisiana's fertile farms from the tremendous flood of waters from the Atchafalaya and Mississippi rivers.[2]

Historically, the criminal laws and the penal system of Louisi-

[1] The lack of comprehensive reports makes it impossible to obtain even the minimum information regarding age, sex, offense, and geographic distribution. In the *United States Census* enumeration of prisoners for 1923 (pp. 190–92) a total of 1,593 were reported in the state penitentiary on January 1, of which only 43 were women. Information secured from the warden of the Louisiana State Penitentiary gives the population for 1929 as approximately 65 per cent negro and 4 per cent women. However, in 1914, the proportion of negroes was estimated at 85 per cent.

[2] *Social Service Review*, I (1927), 499–50.

ana are of especial interest because of the proposals of Edward Livingston. The penal laws of Spain were left unrepealed in Louisiana during the short period of the transfer of the colony to France and throughout its cession to the United States government. Many of them were reminiscent of the Middle Ages and wholly inapplicable to conditions in the new country; others were so barbarous and cruel that they were rarely executed by the courts. Some of the most curious and alien to the common law were offenses affecting reputation of persons and those in relation to property and religion.[3] For instance, *enfamamiento,* which forms the subject of the sixth title of the seventh book of the *Partidas,* covered a species of dishonor attached to persons who were not necessarily accused or convicted of any crime. It pronounced infamy upon such classes as children of illegal marriage, suitors, or advocates incurring rebuke, whether just or unjust, from a judge in the court, widows marrying before the expiration of a year's mourning, etc. Other provisions of the *Partidas* under the head of *falsedades,* or *crimen falsi* and *deshonras* (defamation), were totally archaic and inconsistent with the ideals and practices of the new government, while that section devoted to heresy, Judaism, and blasphemy[4] was peculiarly intolerable to the colonists.

An act[5] of the new territorial legislature of 1805, which formed the groundwork of the new criminal law, only served to complicate the system. It enumerated a number of offenses and indicated the penalties. Only wilful murder was made punishable by death. But another act[6] passed three months later cited six offenses punishable

[3] See Edward Livingston, *Introductory Report to the System of Penal Law,* prepared for the State of Louisiana, Part I, "Defects of Present System," pp. 9–48.

[4] Heresy was defined to be a departure from the Catholic faith as established by the Church of Rome or disbelief in a future state. The punishment was death at the stake. The religion of the Jews was presumably tolerated, but an attempt to proselyte, leaving their houses on Good Friday, buying Christian slaves and being guilty of the absurd charge of "crucifying young children at their festivals" was punishable with death. In one instance the Jews had a protection not allowed under English laws; they could not be arrested on their Sabbath. Blasphemy was defined as anything done or said in contempt of God, the Virgin Mary, or the saints. The punishment might be the loss of the hands. While some of these laws had been repealed, many still remained legal (*ibid.,* p. 25).

[5] *Louisiana Laws* (1805), pp. 416–54. [6] *Ibid.* (1805).

by the death penalty, varying in degree from murder to encouraging slaves to insurrection. Other acts passed in 1813, 1817, 1818, 1819, 1821, dealt with a great mixture of felonies and misdemeanors, meting out unequal varieties of pains and punishments.

In effect these new statutes repealed none of the Spanish laws. They gave new penalties for offenses punishable by former statutes, leaving it doubtful whether they were intended as substitutes or as additions to them; they punished slight offenses with undue severity, but left unpunished many acts dangerous to society; they multiplied without necessity the same offense and were totally without order or system.[7]

Claiborne, in his address to the legislature in 1809,[8] urged a revision in the criminal jurisprudence of the new territory and pointed to the fact that the punishments were not proportioned to the crimes and that in some cases individuals were imprisoned for life whose reformation might be effected by a less rigorous suffering.[9] Nothing was done, however, until 1821[10] when Edward Livingston was elected to revise the entire system of criminal law of the state. The purpose of such revision as stated in the act authorizing it embodied some of the more important principles underlying any administration of criminal justice; namely, the prevention of crime, that all offenses should be clearly and explicitly defined, that punishment should be proportioned to the offense, that the rules of evidence should be applicable to every offense, and that the mode of procedure be simple.

Livingston had in mind not only a comprehensive and administratively effective code but a system that would lead all others both in the United States and abroad in its humanizing influence. In his analysis of the laws of Spain he found that *torture* had a prominent place, while the English criminal law contained an extraordinary number of offenses punishable by death.[11] He said, "Vengeance is

[7] *Ibid.*, p. 47.

[8] Claiborne, *op. cit.*, IV, 290.

[9] *Ibid.*, p. 295.

[10] *Louisiana Laws* (1821), p. 30.

[11] An act of 1828 consolidating and amending the statutes in England relative to offenses against persons indicated 223 capital offenses. See *Statutes at Large*, 9 Geo. IV, 1828, LXVIII, chap. XXXI, 97–110.

unknown to the law. The only object of punishment is to prevent the commission of offenses."[12] Whether or not the legislators who intrusted this task to him had in mind such advanced and humanitarian ideas may properly be doubted. The fact that the code was never made law may be evidence of this.[13]

Before finally formulating his plan, Livingston communicated with many authorities here and abroad. In 1822 he presented to the legislature his proposal, which was approved and 2,000 copies ordered printed in French and 1,000 in English. Under this sanction he proceeded to complete his plan, and was ready to present it to the legislature in 1824 when unfortunately the manuscript was destroyed by fire and the entire work had to be rewritten. In two years more the reproduction was completed. But it was never adopted by the legislature, and much opposition to so radical a proposal developed. Had Livingston remained in Louisiana, perhaps his personal influence might have brought about the adoption of some of his proposals, but in 1823 he went as representative to Washington and then abroad. However, the publication of his plan brought him fame both in this country and abroad and undoubtedly his name deserves to be ranked with the great reformers in this field.[14]

The abolition of the penalty of death was the important feature

[12] Livingston, *op. cit.*, p. 4.

[13] In a *Life of Edward Livingston,* by Charles Havens Hunt, p. 256, his biographer states that the whole scheme was conceived by him alone and the act launching the project undoubtedly framed word for word by him. Charles Gayarré, a brilliant young lawyer and later historian, is said to have been largely responsible for defeating the proposal to abolish capital punishment. His *Discourse adressé a la legislature en réfutation du rapport de Mr. Livingston sur l'abolition de la peine de mort,* published in 1826, was not located.

[14] Bentham considered him fifty years ahead of his day in his theory of punishment. He proposed that a measure be introduced in Parliament to print the whole work for circulation in England. See *Bentham's Works,* edited by John Bowring, XI, 37. His proposals were printed in England by Dr. Southwood Smith as *Project of a New Penal Code, etc.* (London, 1824). In 1872 the *Code of Prison Discipline and Reform* together with the "Introductory Report" prefaced by an Introduction written by Hon. S. P. Chase, chief justice of the United States Supreme Court, was published by the National Prison Association. It was the purpose of the association to distribute this volume at the International Prison Reform Congress which met in London that year. The code of reform and penal discipline were adopted by the Republic of Guatemala. See Publications of the North Carolina Historical Commission Bulletin No. 22, *E. Livingston,* by William H. Taft, pp. 31–33.

in his proposed criminal code. After a philosophical analysis of theories of punishment and a review of the experience of other countries, he pointed to the practical results of the abolition of the penalty in Louisiana except in cases of murder, attempt to murder, rape, and servile insurrection. And what he was able to demonstrate was that as a deterrent of crime this mode of punishment had proved futile.[15] What he offered as a substitute, however, was not less terrible to the transgressor. It was imprisonment for life in a solitary cell, painted black within and without and bearing a conspicuous inscription in white letters setting forth the offender's name and his offense with its circumstances, and describing his doomed existence:

> His food is bread of the coarsest kind; his drink is water mingled with his tears; he is dead to the world; this cell is his grave; his existence is prolonged that he may remember his crime and repent it, and that the continuance of his punishment may deter others from the indulgence of hatred, avarice, sensuality, and the passions which lead to the crime he has committed. When the Almighty in his due time shall exercise towards him that dispensation which he himself arrogantly and wickedly usurped towards another, his body is to be subjected and his soul will abide that judgment which divine justice shall decree.[16]

His proposal of a single system linking the prison, the workhouse, and the poorhouse together under central direction aimed toward the better control of these groups which contributed so largely to the criminal class, is the interesting feature of his penal code.[17] The machinery proposed for the working of this system included: a house of detention, a penitentiary, a house of refuge and industry, and a school of reform.

The house of detention consisted of two departments: one to hold only misdemeanants and persons held as witnesses; the second, those committed for crimes of a more serious nature. The house of refuge would furnish work for the vagrant while the school of reform was designed for the confinement and instruction of all persons under eighteen sentenced to imprisonment and labor (unless for

[15] Part II, "Punishment of Crime," pp. 69–94.

[16] *Ibid.*, pp. 111–12.

[17] Livingston was familiar with the ideas of Bentham and his plan undoubtedly shows the influence of the latter's earlier proposal. In *Pauper Management*, written in 1797, Bentham outlined a gigantic uniform national scheme under central authority for a system of industry houses in which the labor test on which he so strongly relied could be invoked. See *Works*, VIII, 267, 438.

life), and all vagrants over six and under eighteen. Livingston condemned unreservedly any system of law that treated the adult and the child alike and permitted the corruption of the latter in the ordinary prison.[18] Every phase of the administration of these institutions was set forth in great detail: the appointment of officers, the responsibilities of the board of inspectors, the qualifications and duties of the warden, assistants, chaplains, teachers, physicians, etc., and the treatment of the various groups from the time of their admission to their discharge.[19] As has been stated, neither the changes in the criminal law nor the proposals of Livingston outlined in the foregoing were acted upon by the legislature.

A code which had been placed on the statute books of Louisiana and of other southern states, namely, the Black Code, was reenacted by the territorial legislature in 1806.[20] First, it imposed certain duties upon masters regarding the care of their slaves, and the treatment of the sick and infirm, the hours of work, the enjoyment of Sunday, were regulated; second, it set forth the status of the slave in relation to his master and to society in general; and, third, it dealt with crimes and offenses committed by slaves and the legal process of conviction and punishment. All crimes for which capital punishment could be inflicted were to be tried by a tribunal composed of the judge of the county, two justices of the peace, and from three to five freeholders. Crimes punishable by death were: striking the master if concussion or shedding of blood resulted, rebellion against the overseer, killing another person unless by accident or in defense of the master. Slaves executed were to be appraised and paid for by the state, half to go to the owner and half to the person injured.[21]

[18] Livingston, *The Code of Reform and Prison Discipline*, pp. 1–78.

[19] *Ibid.*, Titles II–VII, pp. 86–139.

[20] Bullard and Curry, *Digest of the Laws of Louisiana* (1804–41), pp. 48–73. An act prescribing the rules and conduct to be observed with respect to negroes and other slaves in this territory, June 7, 1806.

[21] The last section covered penalties for crimes committed against slaves. The legislature passed many laws authorizing the payment to individuals for loss of slaves. See *Louisiana Laws* (1810), p. 34. "An act to authorize the payment to Bradford and Anderson for a slave killed while running away." This provision of the code was amended in 1813 providing that slaves so killed or in actual rebellion were the loss of the owners only, while for those sentenced to death or perpetual punishment the master was to be reimbursed from the state treasury up to $300. See *ibid.* (1813), p. 16.

Persons guilty of wilfully killing a slave were to be tried according to the laws of the territory. The Code specified that the infliction of cruel punishment except flogging, or striking with a whip, leather thong, switch, or small stick, putting in irons, or confining slaves was penalized by forfeiture and the payment of a fine not exceeding $500 and not less than $200.[22]

The vagrant was another member of society against whom the early territorial legislature enacted stringent laws. In 1806, an act[23] "on Vagabonds and Suspicious Persons" provided that all able-bodied persons having no profession or trade and without visible means of support or credible testimony of their good character who frequented grogshops, gambling-houses, and other disorderly places, or who begged without permission, were to be deemed idle and disorderly persons. Charged as vagrants or suspicious persons, any two justices of the peace could commit them to the prison or house of correction, for a period not exceeding fifteen days. Persons harboring vagrants were subject to a fine from $100 to $500. Women convicted were liable to the same punishment as men. Begging was permitted only upon the grant of a certificate signed by two justices of the peace or two reputable housekeepers testifying to the good conduct and morals of such individuals. The permit was confined to the limits of the parish, and if found beyond these limits the beggar was subject to arrest as a vagrant. In 1852 another act[24] concerning vagrants specified that any child found begging alms or soliciting charity from door to door was to be deemed a vagrant.

As elsewhere, the insolvent debtor was thrust in prison with the most hardened criminal, and in 1805 the first act[25] relative to this particularly unfortunate group was enacted. The superior and county courts were authorized to issue the writ of *capias ad satis-*

In *George W. Lewis* v. *The City of New Orleans,* 12 La. Ann. 190 (1857), the court said that the state was not bound to reimburse the plaintiff for the loss of a slave who *died* while in the parish jail of the city, while in *Clague, et al.* v. *The City of New Orleans,* 13 La. Ann. 275 (1858), the court held that the city corporation was liable for the loss of a slave who *ran away*.

[22] Amendments to the Code were enacted from time to time.

[23] Bullard and Curry, *op. cit.,* pp. 811–14.

[24] *Louisiana Laws* (1852), p. 219. [25] *Ibid.* (1805), pp. 61–65.

faciendum to imprison the body of any debtor against whom judgment of $50 and upward was obtained. Women, ministers of religion, and persons sixty years and over, or those whose state of health did not permit, were excepted.

Imprisonment for debt and the practice of confining the debtor with criminals was early condemned in Louisiana, and in 1819 Governor Villere in his message to the legislature called it "the last remains of the barbarous establishment of despotism which dishonours any new era."[26] In 1820 an act[27] provided that no debtor should be kept in jail unless his creditor paid $3.50 a week in advance for the use of the debtor, otherwise he was set free. In 1823[28] a bill to abolish imprisonment for debt failed. The following year a new governor inveighed against the practice, but not until 1840[29] was the practice abolished.

The delay with which the Spanish criminal justice operated has been mentioned. It was said that upon the cession to the United States government, "Governor Claiborne found the jails full of criminals who had 'rotted' there without charges or who had been forgotten if under charge. One of his first acts was a general jail delivery."[30] In 1806[31] and again in 1809,[32] he called to the attention of the legislature the need for the erection of a penitentiary house. He pointed to the herding of all classes of criminals in the jail of New Orleans, in idleness and without means of employment, and without that effort toward reformation which had already proved salutary in several states of the Union.

The old prison built by the Spanish authorities, consisting of two rooms, 16 feet 7 inches by 7 feet 5 inches; three rooms 16 feet 7 inches by 13 feet 5 inches; four rooms 18 feet by 12 feet; and four additional cells,[33] was the property of the city of New Orleans and

[26] *Senate Journal* (1819), p. 7.

[27] *Louisiana Laws* (1820), p. 90.

[28] *Senate Journal* (1823), p. 28.

[29] *Louisiana Laws* (1840), p. 131.

[30] H. P. Dart, "Courts and Law in Colonial Louisiana," *Louisiana Historical Quarterly,* IV, 255–89.

[31] Claiborne, *op. cit.,* II, 274–79.

[32] *Ibid.,* IV, 291–95.

[33] Report of the visiting committee, *Senate Journal* (1832), p. 37. For an ordinance for the administration of the prisons, dated June 15, 1731, see Appendix E, p. 225.

was rented to the parish of Orleans for $2,000, of which the state paid $500. Its location in the center of the city, and its proximity to the city guard, made assistance easily available in case of an insurrection among the prisoners.[34] In 1818 the Committee from the legislature observed that the convicts were not provided for as humanity would dictate since many were destitute of clothing and others were almost destroyed by vermin. The Committee was of the opinion that if the ration of whiskey allowed were taken away, its value could be added to what was spent for necessaries, such as food and clothing. Several persons were found who had been detained nine months without trial; also several slaves who were under imprisonment for life. The latter the Committee thought not adequate punishment for the crimes committed and believed that corporal punishment or hard labor for life would be a better punishment and less expensive to the state. Ten years later the Committee from the legislature found conditions unimproved. Persons detained for lesser offenses were, owing to the lack of room, confined with "criminals of the blackest dye, and debtors too. Among them is one whose debts does not exceed $7.00."[35]

In 1820, 185 prisoners were reported in the jail, classified as follows:[36]

Sentenced to death	1	
Sentenced to perpetual imprisonment	4	
Sentenced to 20 years of hard labor	1	
Sentenced to 10 years of hard labor	6	
Sentenced to 7 years of hard labor	4	
Sentenced to 6 years of hard labor	1	
Sentenced to 5 years of hard labor	4	
Sentenced to 2 years of hard labor	9	
Sentenced to 1 year of hard labor	10	
Sentenced to 14 months of hard labor	1	
Sentenced to 6 months of hard labor	2	
Sentenced to 3 months of hard labor	2	
Sentenced to 2 months of hard labor	1	46

[34] *House Journal* (1828), p. 13.

[35] *Senate Journal* (1818), pp. 26–27; and (1828), p. 15.

[36] *House Journal* (1820), p. 378.

Untried	23	
Sentenced as vagrants	23	
Sentenced for slight offenses	20	
Sentenced for insanity	3	
Sentenced as runaway slaves	4	
Sentenced as slaves seized for debt	1	
Sentenced as slaves pretending to be free	3	
Sentenced as debtors	17	94
Committed by District Court of United States		45
Total		185

Although the erection of a state penitentiary was delayed until 1835, certain earlier acts provided a measure of regulation and care for the prisoners retained locally. An act of 1816[37] empowered the police juries to make by-laws and regulations for local jails and to carry out the provisions covering slave prisoners as contained in the Black Code.[38] A distinction between state and parish responsibility was made in 1817 whereby those convicted by the district courts were chargeable to the state and those by the parish courts or justices of the peace were chargeable to their respective parishes.[39] By

[37] *Louisiana Laws* (1816), p. 24.

[38] The following police regulation of the parish of West Baton Rouge is probably typical of similar police regulations elsewhere:

"1. The sheriff or his deputy will be obliged to receive and keep in the jail the slaves brought to him by an order of the judge or of one of the justices of the peace of the parish.

"2. The jailer will be obliged to advance the amount of the indemnity allowed by the Black Code for the taking of a slave.

"3. He will receive for each slave half a dollar for the expense of entrance, half a dollar for the expense of going out and thirty cents a day for the expense of keeping and feeding.

"4. In case that a slave detained in jail should be grievously sick, the jailor will have him attended by a doctor or a surgeon; and amount of the expenses of the attention in case of contest will be fixed by the judge.

"5. The jailor will advance a woolen blanket to the slaves detained in the jail during the winter if they have not clothing to keep themselves warm.

"6. The jailor has no right to punish the slaves committed to his custody except in two cases: (1) if the owner of them agrees to it; (2) if on the complaint of the jailor or of the one who has stopped the negro a justice of peace commands it." (*The Police Regulation of the Parish of W. Baton Rouge, State of Louiasana* [Baton Rouge, 1822], chap. v, p. 17).

[39] *Louisiana Laws* (1817), pp. 206–8.

this act, police juries were required annually to appoint a physician on a fee basis to attend parish prisoners. However, a petition from the prisoners confined in the New Orleans jail submitted to the legislature in 1826 indicated that no physician had been in attendance, and upon investigation it was found that following the lapse of office of one physician another had not been appointed.[40] An act of 1820[41] specifically provided that prisoners destitute of clothing necessary for the coming season were to be supplied with "pantaloons, coats and coverings." In 1824[42] the fees of sheriffs conveying prisoners from one parish to another were fixed at the rate of 25 cents a mile.

THE STATE PENITENTIARY

Governor Villere, who succeeded Claiborne, and his successor, Governor Robertson,[43] urged the building of a penitentiary, and the tone of their statements reflects a humanitarian interest in the better treatment of prisoners. Finally, in 1822,[44] the legislature authorized a penitentiary-prison to be erected within one league of the city hall of New Orleans. A plan presented by Robert Mills, of South Carolina, was to be followed on a reduced scale and the whole expense was not to exceed $250,000. But little headway was made, and in 1826, the year that Livingston completed his proposals, the new chief executive, Governor Johnson, spoke of all previous proposals as too extravagant and on too large a scale for the resources of the state, and proposed instead some minor changes in the old prison and the employment of the convicts at hard labor.[45] The Committee from the following legislature also recommended the purchase of three lots contiguous to the prison and an enlargement of the building not to cost in excess of $25,000.[46]

[40] *Senate Journal* (1826), p. 77.

[41] *Louisiana Laws* (1820), p. 18.

[42] *Ibid.* (1824), p. 70.

[43] Governor Robertson also pled for justice for the poor who were unable to pay the high cost of litigation. He advocated the appointment of outstanding lawyers who would serve without pay and pointed to the example of Virginia and other states in which this was done (*House Journal* [1824], p. 5).

[44] *Louisiana Laws* (1822), p. 98.

[45] *House Journal* (1826), pp. 9–10.

[46] *Ibid.* (1826), p. 37.

Not until 1832 was another act[47] authorizing the erection of a penitentiary house in Baton Rouge passed. Fifty thousand dollars was appropriated and a building on the plan of the prison at Wethersfield, Connecticut, adapted to the accommodation and employment of 100 convicts was ordered. The following year an amendment to the act specified that the Wethersfield plan need not be adhered to provided any alterations made be not inconsistent with *solitary* imprisonment and that the expense should not exceed $20,000 in addition to the sum already appropriated. Temporary buildings at Baton Rouge were authorized so that prisoners condemned to hard labor might be transferred to assist in the erection of the building. In 1835 the penitentiary was partially completed and all state prisoners in the jail in New Orleans were transferred. The governor, in his message to the legislature, remarked that Louisiana was at last free from the reproach which had been attributed to her in a recent publication of having the worst prison in the United States.[48]

One of the main arguments advanced for the building of the penitentiary was that it would make possible a self-supporting institution. During the year 1832, the sum of $20,809.71 had been expended for the support of the state prisoners in the New Orleans jail, and the experience of the Wethersfield plan, whereby the labor of the prisoners after meeting all expenses had resulted in a surplus to the state of $8,713.13, was cited.[49] But the legislature found it necessary to continue to make annual appropriations for the support of the penitentiary.

The management of the prison was set forth in the act of 1834.[50] The governor was to appoint annually a Board of Inspectors, who were empowered to employ a warden (at a salary of $3,000) and not more than six assistants ($600 each) and a guard consisting of one captain ($1,000) and twenty privates ($600) and a physician

[47] *Louisiana Laws* (1832), p. 110.

[48] *House Journal* (1835), p. 6. However, conditions in the local jail remained unimproved. De Beaumont and De Tocqueville, in their famous tour of the United States prisons, visited New Orleans and reported the prison totally unfit for human habitation. See G. de Beaumont and A. de Tocqueville, *Système Pénitentiaire aux Etats-Unis* (Paris, 1865), p. 99.

[49] *House Journal* (1833), p. 7.

[50] *Louisiana Laws* (1834), p. 99.

($800), and to make all rules and regulations for the management of the prisons. In 1835[51] the Board was required to render an annual account of all receipts and expenditures to a Committee of both houses of the legislature. In 1839[52] the governor was required to furnish the penitentiary with muskets, infantry swords, and heavy pistols.

The problem of proper employment of the prisoners was and probably remains one most difficult of solution.[53] As early as 1814, the legislature provided for the hiring out of persons imprisoned at hard labor to the mayor and city council of New Orleans, or to other persons as the circumstances required. However, the law appears not to have been carried into effect until 1828,[54] when the legislative Committee of that year reported as follows:

> The experiment (of the last three months) so far has been successful owing to the vigilance of the gentleman who has charge of the prison. No accident has happened; only one has escaped and he has been retaken. The city of New Orleans has undertaken to pay the persons necessary to guard them while at labour and for the clothes in which they work; and as far as it can be ascertained, as yet, this appears to be as much as the value of their labour will warrant the corporation in doing. It is doubtful whether at any time more than one-half of this number can be employed at once, as there will always be found among them many too feeble in constitution to undergo the fatigue and more or less of the laborers will always be on the sick list and perhaps during the summer season it will be dangerous to their health to employ them more than a few hours a day. Independently of this we very much question the salutary effect. The grand and primary object of imprisoning offenders against the law is to work a reform. No

[51] *Ibid.* (1835), p. 129. In 1836 and again in 1837 salaries were slightly increased: the captain to $1,500, the physician to $1,000; and a clerk was added at a salary of $1,500, a second warden at $700, and guards at $420.

[52] *Ibid.* (1839), p. 76.

[53] *Louisiana Laws* (1814), p. 22.

[54] Several resolutions passed by the city council of New Orleans from 1827 to 1830 regulated the treatment of prisoners kept at hard labor.

"1. The mayor was authorized to employ superintendents at thirty dollars a month. Also, clothing, consisting of a pantaloon, a red jacket, cap, a pair of shoes every two months, and a tin plate was to be furnished each prisoner. The summer dress included a linen shirt and pantaloons.

"2. The officer employed to superintend their labor was authorized to use coercive means in order to compel them to work.

"3. Colored criminals were to be worked separately from white and to be dressed in blue." See *General Digest of the Ordinances and Resolutions of the Corporation of New Orleans* (New Orleans, 1831).

reform can possibly be wrought in the minds of those whose infamy is publicly exposed to the eyes of a crowded city. They are disgraced by a particular dress together with a heavy chain, in order to prevent their escape. This at once exposes them to the scrutinizing eye of every passing person; the convicts feel conscious of this and instead of its having a tendency to work a reformation it only embitters them against the rest of mankind and prepares them for the commission of any crime, without remorse of conscience or dread of renewal of punishment.[55]

Regulations[56] covering the employment of prisoners in the state penitentiary at Baton Rouge specified that they were not to be employed outside the walls of the penitentiary except when working in actual or direct service of the institution. In 1838,[57] $12,000 was appropriated to put in operation machinery necessary for the manufacture of coarse woolen and cotton cloth, and in 1839 an additional $2,500 was voted for the same purpose. By the following year the Committee from the legislature found the machinery in full operation, employing 35 convicts who wove 400 yards of goods. They recommended that the manufacture of shoes for negroes be undertaken on an extensive scale with a tannery attached to the institution.

Already there was complaint from citizens of Baton Rouge that the prison labor was in competition with the honest labor of the community. The legislative Committee hoped that in the manufacture of shoes the penitentiary would be put in competition with northern capital and labor and not that of Louisiana citizens. Furthermore, they decided to abandon a retail store conducted at the institution, as it also interfered with the trade of local merchants. They also recommended that the working hours of the prisoners be changed from eight hours in twenty-four to permit them to be worked between sunrise and sunset with two hours off for meals.[58]

By 1841 the experiment in manufacturing was reported to have realized the high hopes of the directors. Thirty-five convicts employed made 53,548 yards of goods, valued at $11,023.23, at a profit of $5,123.23. The labor of each convict produced 55 cents a day, which allowed a small profit over the 51 cents expended for his maintenance.[59] The following year the Committee recommended an

[55] *House Journal* (1828), pp. 12–13.
[56] *Louisiana Laws* (1837), p. 100.
[57] *Ibid.* (1837–38), p. 109.
[58] *House Journal* (1840), pp. 109–10.
[59] *Ibid.* (1841), p. 5.

extension of the project and believed that in two years the institution would be self-sustaining.[60]

The indiscriminate confinement of white and negro convicts sentenced at hard labor troubled the legislative Committees. They concluded that detention in an establishment of this kind was hardly of the nature to deter a slave from crime and recommended that they might be more beneficially employed in the public works of New Orleans where the municipal authorities would be willing to keep them during the whole period of their sentence[61] In 1842 another proposal from the governor that negro convicts be placed under the direction of the Board of Public Works appeared fraught with difficulty. If placed to work in boats on the bayous, they would have to be freed from their chains and consequently a strong guard would be needed, the expense of which might exceed the profit of their labor. If made to work on the roads and levees their chains might be left off and as the work would generally be performed in the midst of the population there might be no need of a very strong guard, but, on the other hand, their presence in the community might be feared by the citizens. However, as these convicts were such an expense to the state, the Committee considered some solution necessary. After consultation with the state engineer, it was agreed that the experiment of employing them on the roads and levees would be made.[62]

In view of the fact that the legislature had in 1833 insisted that the penitentiary at Baton Rouge should be constructed so as to permit solitary confinement, it is interesting to note that such a system was probably never really inaugurated, and in 1838 it was legally abolished except in enforcing obedience to regulations.[63] The legislative Committee of 1842 urged that the important principle of the penitentiary system, namely, absolute silence, be imposed. They thought "the principle of silence a great and leading one which promotes the great end of criminal punishment . . . . constitutes one of the chief advantages of the Penitentiary over the old jail system."[64] The following year they found the inflicting of corporal punishment objectionable and urged that solitary confinement be used as a substitute.

[60] *Ibid.* (1842), p. 40.

[61] *Ibid.* (1831), p. 5.

[62] *Ibid.* (1842), p. 40.

[63] *Louisiana Laws* (1837–38), p. 109.

[64] *House Journal* (1842), p. 40.

By 1844 the legislature had so abandoned the idea of reformation that they turned to the lease system as the solution for the management of the institution, and not until 1901 did the state again definitely resume responsibility. In his message to the legislature in 1844, the governor pointed out that up to that year the institution had cost the state about $450,000 and that an additional annual appropriation was required. He recommended a consideration of the Kentucky Penitentiary plan, which had long been under the lease system.[65] That same year an act[66] for the better administration of the Louisiana Penitentiary authorized the governor to lease the institution for a period of five years.

The act specified that the lessee should give bond for $25,000 and agree to give the prisoners the same rations, clothing, and rest, and to change nothing in the treatment they had been receiving. For the first two years he was to receive all profits arising from the penitentiary, and for every other year he must pay to the state such part of the profits as was stipulated in the contract. The labor of the convicts was to be chiefly employed in the manufacture of coarse woolen and cotton cloth, "negro shoes," cotton bagging, and rope for hemp. A foundry and other mechanical business were permitted. A Board of five directors appointed by the governor, who should at all times have free access to the penitentiary was created. They were directed to hold monthly meetings, make reports to the governor, and were given power to appoint annually a physician (at a salary of $600) and a chaplain (at a salary of $400).

On October 2, 1844, the new lessees, Messrs. James A. McHatton and William Pratt, were placed in possession of the penitentiary together with the prisoners, implements, materials, and manufactured articles then on hand. But immediately after entering into the contract with the lessee, the state found it advisable to advance as a loan $15,000 for additional building and equipment for the various manufacturing projects. However, the money appears to have been used to raise the east wall of the penitentiary so as to enlarge the building and make it more secure in case of attempts to escape. And in 1846 an additional appropriation of $25,000 was proposed so as to make possible the profitable employment of all the convicts. It was argued that such an appropriation was good business on the

[65] *Ibid.* (1844), p. 3. [66] *Louisiana Laws* (1844), p. 41.

part of the legislature, as during the period of the lease the state would be entirely free from further expense and at its expiration the penitentiary would be returned to the state in a situation to produce a revenue annually of from $15,000 to $20,000.[67]

Enthusiasm over the lease system rose and fell in direct proportion to the amount of profits accruing from the labor of the prisoners. Governor Johnson, who was originally opposed to the system, was so optimistic in 1847 as to predict that the new insane asylum might be erected out of the surplus earnings of the penitentiary after the expiration of the lease.[68] Profits to the lessee for the year 1846 were reported at $19,798.10, and for 1847 at $17,644.75.[69] In commenting on the report of the lessees to the legislature, Governor Johnson spoke as follows:

> The report is particularly interesting in the flattering testimony it bears to the good temper and kindness of the lessees in their control and management of the unhappy convicts and their indefatigable exertion to render general satisfaction. But as the inmates of the penitentiary are of the objects whose peculiar conditions appeal directly to the solicitude and protection of the Legislature, you will not fail by your joint committee to institute a rigid and searching inquiry into the economy of the lessee both as it is applied to the discipline generally, and personal treatment of the prisoners particularly. . . . . After the expiration of the present lease on the 30th of September, 1849, a revenue of some thousands will doubtless under a new contract accrue to the coffers of the state and no devotion of a part of it, at least, strikes me more appropriate than that which will secure to those whose painful labors earned it, ample means of moral instruction during the period of confinement and when sentence has expired a sufficient sum to bear the not infrequently aged men bent down with infirmities and broken in spirit from the scene of their shame and servitude. No pains should be spared to persuade the penitentiary convict that society still feels and retains an interest in him and hopes to reform him by this kind of punishment.[70]

The majority report of the legislative Committee rendered at the expiration of the lease was glowing. The lessees had complied fully with their contract, the discipline of the institution was good, the convicts well treated, and the provisions furnished were abundant and wholesome, and the sick were cared for in a neat and convenient hospital. Furthermore, the state had gained financially from the arrangement. Although $52,000 had been contributed by

[67] *House Journal* (1846), pp. 148–49.
[68] *Ibid.* (1847), p. 7.
[69] *Ibid.* (1848), p. 8.
[70] *Ibid.* (1848), p. 8.

the state for raising the walls of the prison yards, the purchase of cotton and woolen machinery and for the erection of a large cotton factory, a large saving over former annual expenditures[71] had been realized. In addition, the lessees had expended considerable sums on the buildings. The inventory of tools, machines, manufactured articles, and materials showed an increase in their value of $8,985.20 over the equipment of 1844. The favorable reports of the physicians, and especially the chaplain, were heavily relied upon to show the beneficial effect of the system.[72]

However, a minority report indicated a wholly different approach to the problem, namely, that of reformation of the criminal. It considered the whole question of the efficacy of the criminal law, found capital punishment futile as a deterrent, and criticized the indiscriminate treatment within the penitentiary of the minor offender and the hardened criminal, the white as against the negro. The condition of cleanliness alleged by the majority was denied and the value of the ministrations of a chaplain very much questioned. It was the opinion of the members that the lessees had not been held strictly to account in many matters. As to the financial benefits which accrued to the state, they agreed with the majority, but asked what had been lost to the individual prisoners. If the penitentiary must be a source of profit to the state they agreed that the only solution was to offer the lease to the highest bidder.[73]

A new lease,[74] which was under consideration at this time, specified that the company pay $4,000 annually and that the state should no longer have any interests in the profits of the lease. This was formally ratified by the legislature in 1852.[75] Out of this fund it was anticipated that ample moral and educational means of instruction would be afforded the convict and a certain balance secured him in money and clothing at his discharge.[76] However, in 1851 $30,000 was appropriated by the legislature for cells in the penitentiary,[77] and in 1853 $10,000 for the completion of certain buildings.[78]

[71] From 1839–44 this had amounted to $148,526.90.

[72] *House Journal* (1840), p. 75.

[73] *Ibid.* (1850), pp. 81–82.

[74] With Messrs. McHatton, Ward & Co.

[75] *Louisiana Laws* (1852), p. 187.

[76] *House Journal* (1850), p. 9.

[77] *Louisiana Laws* (1851), p. 170.

[78] *Ibid.* (1853), p. 167.

That there was considerable criticism and complaint locally, at least, in regard to the management of the prisoners is indicated here and there. A local newspaper, the *Baton Rouge Gazette,* printed several articles attacking the management of the penitentiary. Their criticisms were aimed not so much at the lessee as at the lease system and the treatment of one particular prisoner, which they termed "unwise, barbaric, and unpolitic . . . . and above all the gross violation of decency, perpetrated in the cruel treatment of the convict Henry Sumners, which we considered and still consider a gross outrage upon the community of a questionable power."[79]

The legislative report[80] of 1853 was again favorable, but a new bill to renew the lease failed to command the constitutional majority of both houses, and after its return the legislature passed a joint resolution[81] extending the lease to May 1, 1855. The new chief executive, Governor Hebert, opposed the leasing system, and upon expiration of the old lease, resumed responsibility for the administration of the penitentiary. As the legislature had made no appropriations for maintenance or raw materials, the governor was forced to resort to the credit of the institution and to borrow a sufficient amount to meet the immediate expenses. Such emergency action necessarily resulted in financial losses, but Governor Hebert insisted that, if instead of resorting to loans, the state had appropriated $20,000, the affairs of the institution could have been kept running without a sacrifice.[82] The report of the Board for 1856 stated that a large proportion of the convicts had not been profitably employed during the eight months since the state took charge owing to the lack of facilities. The convicts now numbered between 300 and 333, and the machinery and space for the manufacture of cotton and woolen goods had been planned for the employment of fewer hands.[83]

The adjournment of the legislature that year without any plan or appropriation for the maintenance or active operation of the penitentiary forced the new governor to take some immediate step. J. M. Hart and W. S. Pike were solicited to accept the agen-

[79] *Baton Rouge Gazette,* July 3, 1852.
[80] *House Journal* (1853), p. 115.
[81] *Louisiana Laws* (1854), p. 122.
[82] *House Journal* (1856), pp. 5–7.
[83] *Report of Board of Directors* (1856), pp. 3–5.

cy of the prison, and did agree without entering into any formal lease. However, as the institution was totally without funds, the governor negotiated with the Citizens' Bank and obtained a loan of $110,000 for the purchase of daily food and some raw material for manufacture. During the short period of two months, the governor reported a net profit of $3,000 to the state from the factory. But its destruction by fire again threw the working force of the institution out of employment. This time the Louisiana State Bank promptly tendered a loan sufficient to rebuild and to purchase machinery for the new factory.[84] And in 1857 the legislature appropriated $130,000 to cover the debts of the institution.[85]

An act[86] of that year set forth more definitely than had previous acts the terms of the new lease. The five-year period was specified; the bond was increased to $60,000; and the state was to receive one-half the profits. Convicts were to be employed in manufacturing and mechanical labor as the lessees deemed proper, but none was to be employed outside the walls of the penitentiary. The lessees were directed to furnish each convict upon discharge at their own expense the sum of $10 and a suit of citizen's clothes. A clerk was to be employed who would keep a register of names of convicts, the date of their admission, the term of their imprisonment, the parish from which sentenced, their age, sex, color, place of birth, date of discharge, or death.

Previous Boards of Directors had complained of their lack of power and the reports indicated the limited supervisory authority they exercised over the institution. This act created a Board of Control consisting of five members appointed by the governor, who had the power to superintend the penitentiary. An annual salary of $100 was specified. The physician (at a salary of $600) and five clergymen representing the different denominations (at salaries of $100 each) were to be appointed and paid for by the lessees, but approved and their duties prescribed by the Board of Control.

Their reports up to the beginning of the Civil War reflect a more satisfactory management under the new lessees. From the profits of

[84] "Message of Governor Robert C. Wyckliffe to the Legislature," *Documents* (1856), p. 9.

[85] *Louisiana Laws* (1857), p. 244.

[86] *Ibid.* (1857), p. 111.

the first year, amounting to $43,664.90, the share coming to the state was appropriated by the legislature for the purchase of additional machinery,[87] and the manufacture of cotton goods continued the most lucrative source of profit. A decided improvement in the manner of eating was made. Formerly prisoners were required to take whatever food was assigned them all in one dish to their respective cells, where they ate in the dark. A large room was now set aside as a general dining-room and the prisoners were allowed to eat together.

While the Board agreed in theory with that section of the act prohibiting the employment of prisoners outside the walls of the penitentiary, practically they advocated its repeal so far as negro convicts were concerned. It had formerly been the practice to send negro prisoners to a neighboring forest to cut wood for the use of the prison and the provision of the act aimed to prevent such practice as it was thought destructive of the beneficial effects of the penitentiary system. However, as the lessees were now obliged to employ a large number of laborers in the necessary hauling for the prison and their presence in and about the buildings was prejudicial to the discipline, the Board recommended in several reports that the law be modified so as to permit the use of negro prisoners for this purpose.[88]

The local newspaper[89] which attacked the former lease system now spoke favorably in its columns of the new management. Under the salutary reform of discipline an entire change in the atmosphere of the prison had taken place. Practically everything under the old régime had been eliminated. The place was kept scrupulously clean; so notably so that Dorothea Lynde Dix, who visited the prison that year, was reported to have spoken of the Louisiana Penitentiary as the best ordered institution of its kind in the union. The state was equally interested with the lessees, and the latter were gentlemen who would be unwilling to maintain an institution other than in a systematic and humane manner. The erection of a building some distance from the main building for the accommodation of the female convicts was one of the outstanding improvements.

[87] *Ibid.* (1858), p. 151.

[88] *Report of Board of Control* (1858), pp. 3–7, and (1859), p. 3.

[89] *Daily Gazette and Comet,* August 5, 1859.

Both the Board and the Committee from the legislature recommended a renewal of the lease until April 1, 1864. However, the lessees proposed a change in terms whereby they would be relieved from paying annually into the state treasury one-half of the profits. Instead, they offered to deliver at the termination of their lease, entirely free of all charge, the cotton and woolen machinery, tools and buildings on hand, and any that might be added during the lease to the state, and to consider all accounts for stock on hand, etc., as paid.[90] Such a proposal would seem to indicate that the state was ready to relinquish the long looked for profits from the management of the institution.

[90] "Report of the Committee on the Penitentiary," *Documents* (1859), pp. 3–4.

CHAPTER XII

THE LEASE SYSTEM VERSUS STATE CONTROL

The fate of the prisoners and the history of the penitentiary during the Civil War and the period of Reconstruction is similar in its demoralizing effect to that of the other institutions in the state. After the occupation of Baton Rouge by the federal forces in 1862, the prisoners were brought to New Orleans and confined in the city workhouse. On August 16, 1864, they were transferred to the parish prison and kept under the immediate control of the sheriff and Captain J. U. Bofill. There were 87 prisoners at the time of the transfer, but by 1865 the number was reduced to 53, of whom 23 were white and 30 colored.[1]

With the termination of the war, a new Board of Control faced almost unsurmountable difficulties in returning the prisoners to Baton Rouge.[2] The main penitentiary was in a dilapidated condition; the cotton factory and a three-story building containing the kitchen, storeroom, and dining-halls were demolished, while the chapel, library, and hospital were greatly damaged.

Again the difficult problem of the profitable employment of the prison group confronted the new Board and, guided by the legislative provision that they were to be employed in rebuilding the prison and in the manufacture of brick and cotton and woolen stuffs, the Board refused to consider a plea from the Board of Levee Commissioners that the convicts be used all the year round in the building

[1] *House Journal* (1865), p. 182.

[2] Local sentiment in Baton Rouge was not entirely in accord with the proposal to return the state prisoners to the penitentiary. One local newspaper commented as follows: "When the building now in process of rapid dilapidation known as the Louisiana State Penitentiary, shall have been restored to the state, what are its uses henceforth? We cannot say that we should fancy seeing it again appropriated to the purposes of a prison-house for criminals. . . . . In some of the states there is no penitentiary, the punishments applied to criminals being the pillory, the whipping post, running the gauntlet, the stocks, etc. These are more effective. Where the penitentiary system has been in vogue they are discussing the propriety of abandoning it. . . ." (*Gazette and Comet,* Baton Rouge, November 14, 1865).

and repair of the levees.[3] They further resisted the wishes of the governor, who recommended the same measure as both economical for the state and beneficial to the discipline of the prisoners.[4]

However, attempts on the part of the new government to manage the problem were short-lived, and in 1868 they also turned to the lease system as the more economical method of providing for the prisoner. Much has been said and written regarding the inhumanities of the lease system, which fastened itself upon the southern states after the Civil War. Although it did not originate in the South and a few prisons were leased in the North prior to the war, it was in the southern states that the delegation of the state's responsibility in regard to this group demonstrated its greatest evils.

The idea of reformation was totally abandoned, and the motive of the lessees was none other than the desire to make money out of convict labor. They were ignorant of the principles of prison architecture and sanitation and had no reason to build substantial prisons. The mortality rate was incredibly high, escapes common, and the popular means of guarding prisoners were by chains, shotguns, and dogs. Undoubtedly there was some justification for the introduction of the system into this territory financially depleted by the Civil War and politically disorganized by military and "carpetbag" rule. Moreover, the great increase in the number of free negroes imprisoned who were formerly subject to private discipline greatly complicated the problem.[5]

[3] In their memorial, the Board thought inasmuch as the machinery for the manufacture of cotton goods was destroyed and as the manufacture of other articles which would come into competition with the labor of honest mechanics was inexpedient, the convicts should labor for the state. They thought the objection to their employment outside the prison walls, which was formally urged with much cogency, no longer existed; on the contrary, that the punishment of malefactors by placing them on the public works would favorably affect their morals (*House Journal* [1867], p. 35).

[4] *Ibid.* (1867), p. 10.

[5] For a discussion of the lease system see:

E. C. Wines, *The State of Prisons,* chap. viii, pp. 111–12.

F. H. Wines, "Twenty Years' Growth of the American Prison System," *Proceedings of the American Prison Association* (1890), pp. 79–104.

H. C. Mohler, "Convict Labor Policies," *Journal of American Institute of Criminal Law and Criminology,* Vol. XV (1924–25).

P. D. Sims, "The Prison System of Southern States," *Proceedings of the National Prison Association* (1896), pp. 130–45.

George Cable, "The Convict Lease System in Southern States," *Proceedings of the National Conference of Charities and Corrections* (1883), pp. 265–307.

It is interesting that most accounts erroneously state that Mississippi was the first southern state to inaugurate the lease system with her act of 1867, and Louisiana second in 1868,[6] whereas Louisiana's first lease dated back to 1844. From 1868 until 1901, when the state finally resumed responsibility for the management of its penitentiary, the theory of reformation so far receded into the background that reports of the various Boards and Committees seldom comment on the many phases of prison management and the theories of reform which were widely discussed by penologists, reformers, and many public officials during this period. Such questions as progressive classification of prisoners, systems of rewards, the importance of religious, educational, and industrial training, the indeterminate sentence, systematic help for discharged prisoners received little constructive attention. Instead, energy and interest were directed toward the termination or perpetuation of the lease system.

The lease of 1868 to John A. Hugh and Charles Jones, which was vigorously debated in the Senate chambers, was made over the objection of the governor, but with the approval of General Winfield S. Hancock. In stating his objections, Governor Warmouth said:

> There is too much power given to the lessees over the institution and the Board of Control is ignored. The health, comfort, food, religious training, of the prisoners should be under the charge of disinterested officers of the government, the services of the prisons and machinery only should be leased out for speculation. Where lessees have absolute power there is the tendency to work them too much and feed them too little.[7]

He further considered the plan to install 200 looms for the manufacture of cotton cloth inexpedient, as the material formerly sold to planters for clothing slaves would now have little market.

However, in 1869[8] the lease was legally sanctioned by the legislature. The powers bestowed upon the new Board of Control were extensive but ill-defined, and the relation between the state and the lessee was left open to much queston. No payment of profits to the state was stipulated. The Board was given control over the health

[6] North Carolina, Florida, and Texas followed in 1871. Arkansas in 1873, Alabama in 1875, Georgia in 1876, South Carolina in 1877, and Kentucky in 1878 entered into certain contract arrangements. See F. H. Wines, *op. cit.*, pp. 85–86.

[7] *Senate Journal* (1869), pp. 62–63. [8] *Louisiana Laws* (1869), pp. 56–58.

and religious instruction of the convicts, power to prescribe their rations, clothing, and punishment, to provide for the erection and repair of buildings and machinery, and for the issue and disposition of state bonds to pay for such.

The first annual report by the new Board of Control commented favorably upon the new management. There were at the time 358 prisoners confined in the penitentiary. Repairs on the factory and hospital were immediately instituted and 200 looms for the manufacture of cotton and woolen goods installed. The lessees brought from the North competent machinists and mechanics to supervise every department. In addition, the manufacture of shoes and barrels was inaugurated. But apparently only a relatively small number of the prisoners were employed in the factory, and from the beginning the practice of working the larger portion of them on the levees was followed. As to the general discipline and treatment, the Board reported that it steadily improved. "The supply of provisions and manner of feeding the convicts are of the best and we do not think that any prison in the country better provides for the prisoners."[9]

That same year an act[10] to substitute S. L. James, C. B. Buckner, and T. Bynum as lessees in place of Hugh and Jones was passed. The lease was extended for twenty-one years and an annual rent of $5,000 for the first year, $6,000 for the second, and an increasing $1,000 for each year until the expiration of the lease. Evidently larger financial returns to the state treasury than formerly were anticipated.

However, the Board soon found itself in conflict with the new management and in 1874 made some effort to see that the agreement between the state and the lessees covering the food to be furnished the convicts was enforced. Formerly, when the men worked at the looms in the factory from thirteen to fourteen hours a day, they had been served with three meals of good, plain, coarse fare, but now that the majority were worked outside of the penitentiary only two meals a day were furnished. Their recommendation to the legislature of that year urging certain legislation to increase their control over the lease management are of interest. They covered legislative

[9] *Documents*, pp. 1–76.

[10] *Louisiana Laws* (1870), pp. 84–85.

definitions of their duties and powers as a Board of Control; the creation of the office of prison inspector; the abolition of flogging; and extending to the governor power between seasons of the legislature to pardon convicts recommended by the general officers and the Board of Control.[11]

That more serious maladministration was resulting from the lease system was suggested in the testimony of a local physician who appeared before a Penitentiary Commission appointed to investigate current rumors. Cruelty to prisoners, the death of one convict from injuries inflicted by a guard, and brutal treatment of certain other prisoners were all recorded in his inteview.[12] A bill to prohibit the lessees from employing the convicts outside the walls of the penitentiary was passed in 1875,[13] but apparently substitute means of employing the prisoners was given scant consideration by the legislature. The following year the governor in his message to that body pointed out that as there was no appropriation for the support and employment of the convicts within the walls, they were of necessity kept at work upon the construction of the New Orleans and Pacific Railroad, which was of such great importance to the state. All things considered, he advised that the lessees be permitted to continue this form of employment.[14]

But the controversy over the lease system, which was to last until 1900, had only just begun. By 1878 and with the beginning of Governor Francis T. Nicholls' term of office, the management of the penitentiary became a major political issue. Since reports from the Board of Control are lacking, facts gleaned from *House Journals,* together with local newspaper accounts, furnish the main sources of information until 1900. In his message to the legislature in 1878, Governor Nicholls disclosed the fact that the lessees had been for some years in arrears to the state, and that a suit had been instituted in the East Baton Rouge court for the dissolution of the lease and for a judgment of the rent. The question of the moment was whether the suit should be pressed for trial. As a dissolution of the contract would throw the convicts back upon the state authorities without any appropriation for their support, the question was one fraught with considerable embarrassment.

[11] *Report* (1874), pp. 3–4.

[12] *House Journal* (1874), pp. 220–21.

[13] *Louisiana Laws* (1875), p. 54.

[14] *Senate Journal* (1876), p. 12.

The convicts were reported still at work upon the construction of the New Orleans and Pacific Railroad, which was a project of great importance to the state. Since the lessees agreed to furnish collateral security for the sums due the state, no gain was seen from resuming responsibility for the management of the prisoners, and, indeed, it was feared that if the present lease were abrogated, other lessees would be difficult to find.[15] That same year an act[16] to provide for the amicable settlement of the accounts existing between the state and the lessee; to secure the rent yet due; to prohibit the lessees from annulling the contract with the New Orleans Pacific Railroad; and to authorize the governor in certain contingencies to provide for the maintenance of the convicts indicates the decision of the legislature. An Arbitration Committee appointed by the governor fixed the sum due by the lessees at $44,833.

The attitude of the local press toward conditions at the penitentiary has been previously mentioned. During this final battle over the lease system, the *Weekly Capitolian Advocate,*[17] a Baton Rouge daily, vigorously upheld the system and the management by the lessees, while a rival paper, the *Baton Rouge Truth,* attacked both.[18] A powerful New Orleans paper, the *Picayune,* was prob-

[15] *House Journal* (1878), p. 2.

[16] *Louisiana Laws* (1878), pp. 222–24.

[17] The following account of a visit through the penitentiary was published by the paper March 10, 1882: "After examining the cotton factory the penitentiary was visited and under the care of Captain Burg a tour was made through a portion of the prison. Everything was found in excellent order. The cells were particularly neat. The clothing on the beds looked fresh, clean, and comfortable. The prisoners, some fifty or sixty within the wards, were neatly attired. In the bakery the baker had turned out fresh rolls which had every appearance of being as clean and edible as any that may be seen in the ordinary public bakery. Captain Burg says the prisoners fare alike in and outside the prison. They get fresh meat three times a week, are given wheat and corn bread, rice, grits, potatoes and other vegetables and like rations. When sick they are given in the line of delicacies whatever the physicians prescribe. The number of state convicts is given below:

White males: 119	White females: 1
Black males: 529	Black females: 32"

[18] In 1886 this paper undertook its own investigation and reported the story of a negro man convicted for larceny ($500) who had been sentenced by the New Orleans court eighteen months of hard labor. After reaching the penitentiary he was placed in a railroad camp near Crew Lake, where he was forced to work in the cold without shoes. As a result his feet became frost-bitten and had to be amputated. He was hereafter kept within the walls where he occupied himself making boots and toys (*House Journal* [1886], pp. 399–400).

ably influential in mobilizing public opinion against the system in its exposure of the extraordinary percentage of deaths and escapes under lease management. Unfortunately, accurate figures as to the mortality rate during this period are lacking, but according to the *Picayune* reports it ran over 10 per cent.[19]

The legislative sessions from 1884 to 1890 saw the issue more sharply drawn with the abrogation of the lease system becoming a plank in the Democratic party program.[20] A bill to annul the lease introduced in 1884[21] was lost, though the vote was a tie. A similar bill introduced at the next session was met by a countermeasure providing for the enlargement of the powers of the Board of Control, designed to meet the criticism of the lessees management. Again, in 1888, the fight was renewed and, finally, in 1890, the opposition was defeated and the lease was renewed and extended for a period of ten years.[22]

The numerous debates over the issue brought out the fact that the lessees not only violated the provision of their original lease, as well as the act of 1875 prohibiting the employment of prisoners outside the penitentiary, but even subleased them to private parties to be worked on plantations located at great distance from Baton Rouge. However, Major James, one of the lessees, was cited as one of the most liberal and public-spirited men in the state, who had always provided food and clothing for the convicts and who had rendered the state most important service in his activities in connection with the establishment of the Mississippi Valley Railroad and other railroads.

Always the increased expense to the state if it assumed control proved the most effective argument in the legislative chamber and the policy of let well enough alone continued. In his message to the legislature in 1884, Governor McEnery expressed the arguments against state management, as follows:

> During the administration the lessees have been prompt in paying the lease and complying with humane conditions; provided liberally with clothing and

[19] *Picayune,* June 11, 1882.

[20] The Downing bill introduced in 1886 was indorsed by this party. See *House Journal* (1886), pp. 299–400.

[21] *Senate Journal* (1884), pp. 215–16.

[22] *Louisiana Laws* (1890), p. 156.

medical attention. The means of caring for the convicts is a serious question. To place them in solitary confinement will require the building of 250 additional cells and will cost $160,000 annually. It will require a large outlay in cash to make the Penitentiary an industrial institution in the purchase of materials and machinery. Besides there is the objection of the competition with skilled labor. It is a popular demand in alluvial states to confine them to levee work under the immediate authority of the state but they can only be employed there five months of the year and some measure must be provided for their employment during the rest of the season.[23]

That the system was proving a highly profitable one to the lessees is indicated by the fact that the state was able to specify a $50,000 annual rental payable in advance in the act of 1890 extending the lease. Subleasing of the convicts was prohibited by this act, but the lessee was authorized to continue their employment on the levees, railroads, and public works of the state. But in 1894 this provision was so amended as to permit their employment on farms and plantations and presumably implied subleasing. In 1895 a suit[24] which grew out of the differences dating back to 1878 over certain amounts due the state from the lessee was settled in favor of the state. The issue revolved around the payment by the lessee of the salaries of the Board of Control, chaplains, physician, and clerk. The original lease of 1868 specified that these were to be charged to the current expenses of the institution; but succeeding acts had not made the responsibility clear, and the lessees had failed to meet these expenses in addition to their annual payment to the state. The court decided that the lessor was to receive the amount stipulated as "net," and not after deducting the amounts paid to these officers.

Renewed efforts to supervise more closely the various phases of prison management were made during these last years of the lease system. In 1896[25] the legislature provided for the appointment of a warden who would make monthly inspection visits of all points where convicts were located. The reports of the Board of Control for 1898 and 1899 indicate closer supervision of the health and treatment of the prisoners. The brutal treatment of one prisoner was brought before the court of Iberville parish and the officer convicted; the necessity of transferring sick prisoners from the camps

[23] *House Journal* (1884), p. 12.

[24] *State* v. *James*, 47 La. Ann. 173.

[25] *Louisiana Laws* (1896), p. 183.

to the hospital within the walls was now mentioned for the first time. But the mortality rate continued extraordinarily high, and during the last two years of lease management averaged over 10 per cent.[26]

As already has been stated, the very system under which the state cared for its prisoners excluded any theory of reformation of the individual. In a state in which Livingston formulated his very enlightened plan for prison reform, it is pertinent to inquire what local sentiment there was for such reform during this later period. For elsewhere penologists, members of the clergy, reformers, and others formed themselves into state prison associations and annually met together at the National Prison Association meetings to discuss such problems as classification, individual treatment, the indeterminate sentence, the Bertillon plan of identification, the proper supervision of released prisoners, a uniform criminal code, the improvement of city and county jails, etc.

Although a few individuals were earlier interested, the Louisiana Prison Reform Association was not formally organized until 1897.[27] Almost immediately the association was successful in get-

[26] *Report of the Board of Control* (1898–99), pp. 4–7.

[27] Michael Heymann, of New Orleans, who appears to have been the most active promoter of the association, first came in contact with the National Prison Association group in 1893 and in 1895 he attended the International Prison Congress in Paris. Bishop Sessums, who delivered the conference sermon at the New Orleans meeting of the National Prison Association in 1899, also appears to have been well informed about the movement. Dr. Beverly Warner was another interested and informed local clergyman. In 1902 Judge Marr, of New Orleans, attended the National Conference and spoke on the institutions of Louisiana. See *Proceedings of the National Prison Association* (1898), pp. 251; (1899), 367–76; and (1902), pp. 265–73.

The objects of the Louisiana Prison Reform Association were:

1. The amelioration of the condition of prisoners.

2. The improvement of prison discipline, including enforced labor.

3. The assistance and encouragement of such discharged prisoners as are desirous of reforming.

4. The changing of our prisons and jails from nurseries of crime into agencies of reform.

5. The entire separation of delinquent children from hardened criminals; and of witnesses and persons charged with crime (but not yet tried) from convicted criminals.

6. The deliberate assault upon crime by adopting such preventive measures as have been found successful elsewhere ("Prison Reform, Its Principles and Purposes, What It Has Accomplished, the Work Yet To Be Done," F. S. Shields of the Prison Reform Association of Louisiana and Secretary of the Board of Prisons and Asylums, 1906).

ting several important measures before the constitutional convention of 1898, most important of which was the declaration that the system of leasing state prisoners should forever be abandoned at the expiration of the existing lease. After this the association focused its attention upon the operation of the penitentiary system, parole and the indeterminate sentence laws, the need of a reformation for juvenile offenders, conditions in local jails, and other much needed reforms.[28]

The legislature of 1900 faced with a constitutional prohibition against a renewal of the lease, which expired March 3, 1901, were at last under the necessity of formulating a plan for the resumption of responsibility on the part of the state. Governor Foster, in his message to the legislature that year, pointed out the magnitude of the task:

> The present lease has been in operation over twenty-five years.[29] There are now in the penitentiary 989 convicts, 149 white and 840 colored and no adequate facilities for maintaining them within the walls of the penitentiary. The state owns no farm on which they could be employed. The clothing of the convicts and the implements used by them nearly all belong to the lessee while additional expense of guards, employers and cost of administration hitherto borne by lessee must now be borne by the state. Being confronted by these conditions it is necessary that the General Assembly make suitable provisions to this end. In my opinion, it is difficult for the General Assembly in absence of actual experience and knowledge of the details required . . . . to fix upon any rule either for the management of the convicts or the character of their work in which they shall be engaged.[30]

[28] In 1900 the association circularized the judges, district attorneys, and sheriffs throughout the state as to the number and disposition of juvenile offenders and the number of adults convicted for the second and third offense. A memorial addressed to the legislature of that year urged the establishment of a state reformatory for juveniles under sixteen years of age and the separation of white and colored and male and female prisoners. In 1906 the association secured the services of Dr. F. H. Wines to make a study of the penitentiary system. In 1916 the members attempted without success to secure the enactment of a bill authorizing the Board of Control to provide for the payment to the prisoners of a proportion of their earnings for the assistance of their families. A questionnaire addressed to all candidates for state officers in 1916 indicates the interest of the association in practically every problem concerning the management of the state penitentiary. See *Journal of American Institute of Criminal Law and Criminology,* VI (1915–16), 927. More recent reports would indicate greater concentration upon problems of local interest to New Orleans and less upon state-wide activities. See *Report* (1927).

[29] The lease referred to had been in operation thirty-three years.

[30] *Senate Journal* (1900), p. 26.

The act[31] adopted by the legislature outlined in considerable detail the proposed plan of administration of the penitentiary under state control. Persons sentenced to the penitentiary were to be confined in the penitentiary, on state farms, on quarter boats, or other suitable quarters. The control and management was vested in a Board of Control composed of three citizens of the state appointed by the governor for the respective terms of two, four, and six years, and thereafter for a term of six years. Each member was to receive a salary of $3,000 except the president (to be designated by the governor), who received $4,000. The Board had power to appoint a warden at a salary of $2,000 and other officers necessary to the operation of the system.

The purchase or lease of tracts of land and the erection of buildings, quarter boats, and other quarters along the most modern and sanitary plan was authorized with the approval of the governor. The Board was also directed to enter into contracts for the employment of convict labor on the public levees, public roads, or other public works, or in the stopping of crevasses within the state. The State Board of Engineers was also directed to use, wherever practicable, convict labor for the construction and repair of public levees to be paid for out of the general engineering fund.

All moneys accruing to the state penitentiary were to be deposited with the state treasurer and a fund known as the penitentiary fund set aside for the maintenance of the system. For the year ending June 30, 1901, the sum of $200,000 was appropriated out of this fund for the purpose of carrying out the provisions of the act. Finally the Board was authorized as soon as practicable, and when the moneys on hand in the penitentiary fund permitted, to establish a reformatory branch of the penitentiary in which all convicts between the ages of seven and seventeen should be kept separate from the adult criminals.

In the business management alone, aside from the other phases of administration, the Board of Control faced a proposition of considerable magnitude. The act specified a penal farm system, and the employment of nearly 1,000 prisoners in this way involved the immediate purchase or lease of large tracts of land and cultivation

[31] *Louisiana Laws* (1900), pp. 116–21.

on a large scale. The new Board was organized October 1, 1900, and in order to get operations under way so as to insure a crop for the first year, arrangements were made with the lessees whereby the state took charge January 1, 1901, which was three months before the expiration of the lease. Only a brief interval of ninety days, therefore, remained in which to advertise for property, travel over the state to inspect lands offered for sale, to make proper provision for housing the prisoners, equipping the new quarters, moving of the prisoners, and the adoption of a plan of organization and the selection of officers to carry it out. The Board decided to purchase rather than lease plantations, as the experience of the state of Mississippi had proved the leasing system a failure.

The per capita cost of the employment of every convict in agriculture was estimated at from $500 to $600. This covered the purchase of ten acres of good alluvial land, the necessary mules, farming implements, and buildings, and compared favorably with the cost of employment with the prison which was estimated at from $500 to $1,100 in other states. The Board predicted that the employment of 800 agricultural laborers on a sound footing would eventually absorb nearly a half million dollars of invested capital. For immediate operation they purchased two plantations, one for the cultivation of cotton and the other for sugar cane. The Angola plantation, covering 8,000 acres, cost $200,000, and the Hope plantation, with 2,800 acres, was purchased for $78,000.

The first annual report of the Board stated that the products from the two farms were valued at $165,000 for the year, with a profit of $13,176.02 accruing to the penitentiary fund. In addition to the two state farms, two levee camps working under yardage contract on the Atchafalaya River supplied additional revenue. The penitentiary building at Baton Rouge was found practically useless under such a system of labor. The report commented as follows:

> The Baton Rouge Penitentiary as it stands today is simply a relic of the past. When we took charge the large factory buildings were filled with rusting and decaying machinery, spindles and looms of obsolete type that had not been operated for a quarter of a century; absolutely worthless except for junk. The power plant, a large and valuable one which the state had turned over to the lessee, had disappeared. . . . . The cell buildings of this prison are of antiquated pattern and really unfit for occupancy in the present shape. They are not suf-

ficiently ventilated for the summer and have no proper facilities for heating in the winter. One of these that had not been used for about thirty years and had become so dilapidated that we have torn it down and obtained from it the material for a set of quarters at Angola.[32]

Between 1902 to 1905 four additional plantations were purchased, totaling 3,400 acres in area and costing $131,000. By 1906 the Board was able to utilize every able-bodied prisoner.[33] During 1902–3 new brick quarters and a small hospital for tuberculosis patients were erected at Angola, also a new gin plant, together with many other improvements made on the Hope plantation.[34] During 1904–5 a portion of the grounds belonging to the Baton Rouge penitentiary was sold for $20,000, but a plan which had been under consideration for the installation of spinning and weaving machinery was abandoned. In fact, the Board came to the conclusion that the Walls (as they were called) should be demolished and a small building to be used as a receiving station erected elsewhere.[35]

On the whole, it seems as though this first Board attacked the business management of the prisoners with considerable energy. In their next report, they give the following accounting to the governor:

> At the beginning of your administration when this board appeared before the committee on appropriations in May 1904, we gave assurance to that committee that the State Penitentiary would not call upon the state for a single dollar of money beyond the revenues which its own forces earned on the state farms and levee camp and we would not only maintain the institution on satisfactory lines, but provide the means of meeting the accruing debts on the purchase price of the state farms as they fell due and to provide for the equipping of the increasing population and putting them to work. This promise has been fulfilled, the mortgage notes with interest upon same having been paid to the extent of $139,997.82 besides which we have spent $109,182.10 for machinery, building, etc., and $50,739.16 for additional mules and equipment, etc. The outstanding mortgage debts have been reduced to $40,000, this resting on the last farm purchased at Monticello and Oakley. All other farms have been paid in full. We have no obligations of any kind whatever other than these.[36]

However, an increasing number of men were employed at the levee camp, and by 1907 a total of 600 were apportioned among the four

[32] *Annual Report of Louisiana State Penitentiary* (1901), p. 37.

[33] *Biennial Report* (1904–5), p. 7.

[34] *Ibid.* (1902–3), p. 4.

[35] *Ibid.* (1904–5), p. 33.

[36] *Ibid.* (1906–7), p. 3.

camps. The annual per capita cost of maintenance averaged about $145.[37]

But agricultural prosperity was short-lived. Partial failure of the cotton crop and later the appearance of the boll weevil, which proved fatal to cotton plantations over large areas of the state, the low price of lumber, which decreased the profits of the sawmill at Angola, and, finally, the devastating floods of 1912 brought the whole penitentiary system close to ruin. In 1912, when a new Board took over the management, the great farm at Angola was completely submerged with every crop ruined, and about two-thirds of the Hope farm was under water; the levee camps had been washed away and destroyed, and the levee forces scattered about in temporary quarters, and there was much sickness prevalent. Income from the farms, which had averaged around $300,000, was cut down in 1912 to $28,118.35.

The financial situation was extremely discouraging. With no money on hand and an overdraft of $71,534, a mortgage on the Angola plantation of $150,000, and other outstanding notes and obligations to the amount of $60,000 together with interest, made a total burden of indebtedness of $281,000. A loan of $250,000 authorized by the previous legislature had proved inadequate for the repairs of the levees. When these notes, secured by mortgages on the Hope, Oakley, and Monticello plantations, fell due, they could not be met. However, in the spring of 1914, when the refunding of the state debt gave investors more confidence in Louisiana securities, an opportunity was offered for the funding of the penitentiary debt through the Interstate Trust and Banking Company of New Orleans. Notes covering a period of twenty-five years payable $10,000 annually were issued. It was estimated that the principal and interest would accrue to $22,500 annually and could be met from the surplus earnings of the system.[38] Much was anticipated from the levee force, which was the largest and most profitable department of the system and yielded from $160,000 to $200,000 a year.[39]

But it is not surprising that the administration has been unable

[37] *Ibid.* (1906–7), p. 10.

[38] *Ibid.* (1912–13), p. 14; also *Louisiana Laws* (1914), pp. 239–40.

[39] *Ibid.* (1912–13), pp. 8–9.

to extricate the penitentiary system from this large debt and that the financial situation has only grown more complicated. The depression in all agricultural pursuits has been widespread throughout the state as elsewhere, and successive crop failures and overflows have brought farming operations to the verge of bankruptcy.

In 1916[40] the Board of Control was replaced by a general manager, in whom are vested all the duties, powers, and responsibilities formerly exercised by the Board. Thus all administration was centralized, and the responsibility for success or failure was placed upon one individual and all possibility of conflict or opposition was removed. A salary of $6,000 was specified together with traveling expenses, and the appointee required to furnish bond amounting to $25,000.

The new manager faced a total debt of $881,160 over and above the cash assets, and, in addition, the penitentiary properties were in bad condition. By 1920 this was reduced to the extent of $659,390.06.[41] In 1922 the State Board of Liquidation was authorized to borrow $1,500,000 for the maintenance of the penitentiary forces for 1922 and 1923,[42] and again in 1926, because of the failure of the sugar crops of 1924 and 1925, the Board was again directed to borrow $975,000 for the year 1926.[43] That same year the legislature authorized the disposal of the Hope plantation with the exception of 500 acres, which was to be kept as a demonstration farm.[44] The last legislature appropriated $150,000 for maintenance for 1928–29, in addition to $733,000 from the penitentiary fund.[45]

[40] *Louisiana Laws* (1916), pp. 324–25. The Louisiana Prison Reform Association supported the movement to have the Board of Control abolished, but recommended an unpaid Board of representative citizens who would appoint a properly qualified superintendent. They also urged a proper budget and bookkeeping system and publicity regarding the expenditures of the institution. See *Journal of American Institute of Criminal Law and Criminology,* VI (1915–16), 927–29.

[41] *House Journal* (1920), pp. 10–11.

[42] *Louisiana Laws* (1922), p. 316. [43] *House Journal* (1926), p. 1209.

[44] *Louisiana Laws* (1926), p. 506. In the report of the State Board of Charities and Corrections for 1925 the secretary commented on the fact that one of the outlying plantations had been leased to private parties for a period of years with the prospect of ultimate sale. This was felt to be a step forward in the penal systems as better supervision would be possible when all the farm labor was concentrated on one plantation. See *Report* (1925), p. 6.

[45] *Ibid.* (1928), pp. 184–85.

The act of 1900 provided that the Board must

> enact rules for the grading and classification of convicts according to the most enlightened system of reformation, for the assignment of work and the character of the same, for the prohibition of harsh or cruel treatment and for the right of the convict to communicate directly with the board, the purpose being to restore the individual to a better man physically, intellectually, and morally.

What, then, have been the reforms instituted under state management?

Probably most important to consider are the methods adopted for paroling prisoners and the extent to which the indeterminate sentence operates. The first parole law of 1914[46] was re-enacted in 1916, together with the provision for the indeterminate sentence.[47] Since then various modifications in both laws have been made, but the group eligible for parole remains the same. It is limited to those who are serving their first sentence and who have not been convicted of treason, arson, rape, attempt to rape, or crimes against nature, provided no person is eligible unless he is entitled by good conduct to a commutation of sentence. No parole is granted until at least one year of the term has expired. Persons serving life-sentence are now eligible at the expiration of one-fourth of their term rather than the one-third provision of the earlier law; such paroles to be approved by the Board of Pardon.[48]

Those to whom the indeterminate sentence law may apply include all persons sentenced to hard labor otherwise than for life, with the following exceptions: those sentenced for treason, arson, rape, attempt to rape, crimes against nature, misusing funds, and also bank and homestead officials, notaries, public train wreckers, kidnappers, and dynamiters.

The first Board of Control, as it was termed, vested with the administration of the parole law was given wide powers over the prisoners on parole, retaining legal custody and power to recommit in

[46] *Louisiana Laws* (1914), p. 263. Some agitation for a parole system on the part of the Louisiana Prison Reform Association was under way in 1903. See *Proceedings National Prison Association* (1903–4), p. 172. In 1912 a law drawn up under their auspices failed to secure the approval of the governor. The Association went on record disapproving the law of 1914 as it did not make the Parole Board independent of the Board of Control and failed to provide for parole officers. See *Journal of American Institute of Criminal Law and Criminology*, VI (1915–16), 927–29.

[47] *Louisiana Laws* (1916), pp. 281–84.

[48] *Louisiana Laws* (1918), p. 31.

case of violation of the parole regulations. On the other hand, no parole officer was specified and the Board faced the problem of trying to adapt the system to a prison population which was 85 per cent negro without adequate machinery for investigation and supervision. In 1916, a Board of Parole was substituted for the former Board and the district court was given jurisdiction over recommitments. Not until 1926[49] was there any provision for a paid parole officer, and the present Board is limited to one officer for the entire state.

The question of the reforms to be instituted with reference to the *labor* of the convicts was undoubtedly the most important problem confronting the new Board. During the last ten years of the lease system, the entire penitentiary force had been employed in levee building. Probably not more than one-half or one-third of the prisoners were physically able to perform such labor and for the weaklings it often meant speedy death, as was indicated by the mortality rates. The first report of the new Board stated that they had immediately given orders to strike the shackles from every man employed out-of-doors, and that no prisoner was to be allowed under any circumstances to work in chains or irons, or to be handcuffed either going to, or coming from, work. No subofficer or guard was allowed to strike a prisoner unless in defense of his life, but the captain was permitted to administer punishment.[50]

As a disciplinary measure, the early reports after 1901 indicated that the Board relied very heavily upon the commutation law, or the "Good Time Law," as it is termed, and made efforts toward a more consistent enforcement of the law.[51] Very important was the fact

[49] *Louisiana Laws* (1926), pp. 640–43.

[50] *Report of Board of Control* (1901), p. 13.

[51] The first act providing for commutation of sentence was passed in 1886 (*Louisiana Laws* [1886], pp. 110–12) but remained a dead letter until 1890, when the law was amended (*Louisiana Law* [1890], pp. 154–56) so that persons convicted of an offense might earn a commutation of sentence as follows: two months for the first and second years, three months for the third and fourth years, and four months for every subsequent year. No person previously convicted was eligible and those attempting escape forfeited the privilege. Persons sentenced to life-imprisonment who served fifteen years of their term were eligible provided not more than one commutation out of every five prisoners confined for life was permitted during one year. If between the date of release and the expiration of the full term the person was convicted of any offense, he must in addition to his new penalty serve the original term.

that it was susceptible of clear definition so that the most illiterate could grasp its meaning. During the first three years ending December 31, 1903, out of 1,149, or about 60 per cent of prisoners discharged, there were 678 entitled to good time allowance, while for the ten years previous to 1901 the average had never been over 30 per cent.[52]

In 1910[53] the law was further liberalized. For prisoners serving a second term, one-half of the reduction of time allowed to others was provided. Escaped prisoners, if recaptured, were also allowed a reduction in term dating from the time of recapture. And in 1926 the general manager of the penitentiary was authorized to establish a special class to which convicts serving their first term, and who have not attempted escape, shall be eligible for particularly meritorious services. This class may be granted additional commutation up to double the time specified in former acts, provided that the approval of the governor is secured in every case. It is required that a special conduct record-book shall be kept of this class. The significance of the double Good Time Law, which makes it possible for a one-year sentence to be served in eight months, and a five-year sentence to be served in four years and four months, is readily seen as a disciplinary measure.

What other methods of discipline were actually used cannot be stated. In 1916 the Prison Reform Association commented as follows:

> We regret to state . . . . that in the Penitentiary and State Farms and in some of the parish jails corporal punishment is inflicted upon prisoners, which is of course positively illegal and barbarous; the mere thought that one man in power may strike and beat one who is helpless to resist is revolting and when we realize that no Judge in sentencing a criminal no matter what the gravity or enormity of his crime may be may authorize the infliction of the slightest blow upon the prisoner and yet find that such punishment is inflicted by irresponsible men, the situation is indeed grave.[54]

In 1912[55] an act specified that the Board should provide a code of rules and regulations, classifying all convicts under their control;

[52] *Report* (1902–3), pp. 19–20.

[53] *Louisiana Laws* (1910), p. 494.

[54] *Journal of American Institute of Criminal Law and Criminology*, VI (1915–16), 929.

[55] *Laws of Louisiana* (1912), p. 35.

fixing a maximum and a minimum average of weekly or monthly hours of hard labor to be rendered by those in each class; and requiring those physically unable to perform such labor to be furnished a doctor's certificate. The report of the Board for that year commented on the absolute impossibility of carrying out this "ill-considered regulation," as it was termed. To do so would only hamper the operation of the entire system. They cited the example of the baker who must rise at 3 A.M. and work till his task is done; also the teamster, whose hours of occupation must depend upon the season. Furthermore, the regulation calling for a doctor's certificate for each prisoner unable to work was impracticable, as there were not resident physicians at each camp.[56] Whether more thoughtful efforts were made to carry out the law cannot be stated.

However, following an investigation of the state penal system by the Probe Commission in 1915, the Board of Control was forced to adopt certain changes. The stripes worn by the prisoners were ordered to be gradually replaced by a khaki uniform. To the most exemplary prisoners was extended the privilege of wearing the new uniform first, and stripes were left as a legacy to the less amenable. As the Board had on hand several thousand dollars worth of coarse-woven striped cloth, some means of instituting the reform gradually had to be devised.

As has been pointed out, the act of 1900 implied labor on farms primarily and the first Board had no doubt as to the adaptability of prison labor to this end, and believed that the prisoners could be cared for and treated in the most humane manner and more than maintain themselves in such occupation.[57] The small number who must necessarily be confined within the prison walls, they anticipated using in the manufacture of shoes and clothing needed for their own institutions and hoped to turn out materials for the other public institutions as well. But only a minimum of such manufacturing has been instituted. A plan to install spinning and weaving machinery was found upon investigation not to be profitable.[58]

[56] *Ibid.* (1912–13), pp. 16–17.

[57] *Ibid.* (1901), p. 6. A report made by Dr. Wines at the request of the Prison Reform Association in 1906 commented favorably upon the farm as particularly adapted to the dealing with negro prisoners. See *Report Prison Reform Association of Louisiana* (1906).

[58] *Ibid.* (1904–5), p. 33.

From the beginning a large number were also employed on the levee and in the construction of public roads. Only first class men were sent to the levee camps, as only the very strongest can endure it, even with the very best feeding and care. In 1912 an act[59] prohibited convicts being employed by private parties or worked outside the wall of the state penitentiary camps or penal farms of the state. But in 1918 this act was repealed, and the Board of State Engineers and the different District Levee Boards were authorized to contract with the general manager of the penitentiary to such extent as might be necessary to keep the penitentiary forces continuously occupied in building, enlarging, and repairing levees;[60] and eight years later the Louisiana Highway Commission was authorized to contract with the general manager for the use of the prisoners in the repair of the roads.[61] Conflict over the matter of control must have arisen, for two years later the legislature forbade the transfer in any case of the custody or supervision of the penitentiary force from the general manager, or any move that supplanted or impaired his authority.[62]

Without doubt the greatest reform accomplished since 1901 has been the reduction in the death-rate among the prisoners as a result of the generally improved sanitary conditions and medical care. The increasingly high death-rate was probably the strongest weapon in the hands of those opposing the lease system. The annual number of deaths for the years 1893 to 1904 is set forth in the table on page 174.[63]

Very properly, the first Board commented with pride upon the marked drop in the number of deaths during the first year of their management. But even that number was swollen because of the conditions existing in 1900, when the president of the Board went to Bayou Lafourche to take over the prisoners held there; the camp was found infected with smallpox and the physician in attendance critically ill. The sanitary condition of the camp was very poor and most of the prisoners enfeebled by fever and diarrhea. The State Board of Health was called in, but twelve deaths resulted from the epidemic. The Board of Control early recognized that owing to the

[59] *Louisiana Laws* (1912), p. 35.
[60] *Ibid.* (1918), p. 423.
[61] *Ibid.* (1926), p. 523.
[62] *Ibid.* (1928), pp. 621–3.
[63] *Biennial Report* (1900), p. 9.

broken down and chronic condition of a large number of the prisoners, the mortality rate would necessarily remain too high for several years.

A hospital building equipped with regulation beds and equipment was provided at each farm, but in the levee camps only temporary quarters could be arranged. Each hospital was reported in charge of a visiting physician. The larger and better equipped hospital at Baton Rouge was used for chronic cases and those requiring more specialized care.[64] In 1904–5, when the decision was reached to abandon the Walls, the Board reported that the sick would be

PRISON POPULATION WITH TOTAL DEATHS, 1893–1903

Year	Total Number of Prisoners	Total Deaths during Year	Percentage
1893	1,090	73	0.066
1894	1,100	92	.083
1895	1,152	67	.058
1896	1,001	216	.215
1897	1,066	68	.063
1898	1,070	102	.095
1899	1,017	175	.172
1900	1,014	72	.07
1901	1,142	38	.033
1902	1,237	24	.019
1903	1,261	35	0.027

more economically cared for on the farms;[65] but the 1910–11 report indicated that such arrangements had not proved wise, and there was, therefore, re-established within the penitentiary walls at Baton Rouge a fully equipped modern hospital with operating-rooms and provision for separate accommodations for white and colored prisoners.[66]

One of the first measures of the new Board was for the physical classification of all prisoners. Only those in the first class were to be sent to the levee camps. The second and third classes were to be assigned to the farms. About one-third of the prisoners were found up to the standard of class one. The 1909 report of the State Board of Charities and Corrections stated that all white male prisoners, with a few exceptions, and all white and colored females

[64] *Ibid.* (1901), p. 10.

[65] *Ibid.* (1904–5), p. 33.

[66] *Ibid.* (1910–11), p. 10.

were assigned exclusively to the Angola plantation, while negro prisoners in class one were sent to the levee camps; those in class two to the sugar plantations; and those in class three to the cotton plantations.[67]

The act of 1900 had called for the establishment of a reformatory for boys between the ages of seven and seventeen as soon as sufficient funds accrued from the surplus earnings of the penitentiary. The second report[68] of the Board commented on the fact that owing to the reduced income from crops nothing had been done toward the establishing of such an institution, and no further mention of the project appeared in later reports. In 1904 an act of the legislature authorized the establishment of a reform school for boys at Monroe, but this was not opened until 1910. A similar school for girls was authorized in 1918,[69] but was not opened until 1928.

Since annual reports of the penitentiary are lacking, the census enumeration of 1926 furnishes the latest authoritative figures as to the prison population.[70] On January 1, 1926, there were present 1,575 prisoners in the various camps and substations which make up the state penitentiary system. Of this number 808 were admitted during 1926, and it is especially interesting that of this group only 28 were female prisoners as against 780 male prisoners. Out of the total number released, namely, 614, there were 368 prisoners whose

[67] *Second Biennial Report of the State Board of Charities and Corrections*, p. 11. The classifications were described as follows: "All men of sound health between the ages of twenty and fifty years, of 140 pounds weight or more, and who have been accustomed to physical labor were in the first class; all men of sound physical health who are slightly under or over the age limits of class one or who are of less than 140 pounds weight or who have not been accustomed to outdoor labor were to be in the second class; all old men and boys, all men suffering from an impairment of health not sufficiently severe to confine them to the hospital, and all healthy female prisoners were in the third; and all sick prisoners who should be in the hospital under a physician's care were in the fourth class."

[68] *Ibid.* (1902–3), p. 10.

[69] *Louisiana Laws* (1918), pp. 248–50.

[70] The census enumeration from 1904 to 1927 is as follows:

1904: 1,331	1926: 1,575
1910: 1,999	1927: 1,686
1923: 1,593	

See Bureau of Census, *Prisoners in State and Federal Prisons and Reformatories* (1926).

terms expired, 201 were paroled, 26 pardoned, and 19 released in other ways not specified. In addition 55 escaped and 28 died during the year. Again, it should be kept in mind that approximately 65 per cent of the total population is negro.

More recent information furnished by the warden of the penitentiary shows a considerable increase over the 1927 enumeration. On June 30, 1929, the prison population composed of 2,148 convicts is divided into fourteen groups and distributed among the following camps and stations:[71]

Receiving Station, Baton Rouge	157
Quarters A, Angola Farm	175
Quarters B, Angola Farm	183
Quarters C, Angola Farm	224
Quarters D, Angola Farm (women)	75
Quarters E, Angola Farm	191
Quarters F, Angola Farm	173
Quarters G, Angola Farm	178
Quarters H, Angola Farm	137
Quarters I, Angola Farm	150
C. and C. Hospital	17
Monticello Farm	183
Road Camp No. 1	136
Road Camp No. 2	169
Total	2,148

SUMMARY

If the question is asked as to what further reforms should be inaugurated before the Louisiana Penitentiary system ranks among the most enlightened and progressive, the answer cannot be found in this study. Certain defects are obvious. Classification is confined to a physical grading of prisoners as a basis for assignment to the varying degrees of paid labor in vogue; classification with reference to the type of offender or the mental classification is totally lacking. Facilities for any type of education are also wanting. Such records as are kept for the purpose of furnishing to the state authorities uniform statistics are not available.[72] As the institution has

[71] Information secured from the warden.

[72] In the 1925 report of the State Board of Charities and Corrections, the following comment appears: "At the meeting of the American Prison Association at Jack-

published no annual reports since 1916, more recent data regarding the mortality rate and other vital questions are also lacking.

On the other hand, there are features of the system which are commendable and perhaps in advance over the more highly institutionalized systems of other sections of the country. The prisoners are not housed in cell blocks, but sleep in large, well-ventilated dormitories which, in the case of the Angola plantation, are modern and well-kept with proper toilet and bathing facilities. But the whole question of a penitentiary system adapted to the climate and to other local conditions remains perhaps an open one.

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son, uniform records of prisoners were stressed. With the cooperation of the manager of the Louisiana State Penitentiary they are adequate for the gathering of uniform statistics." See *Report* (1921), p. 5.

CHAPTER XIII

CENTRAL CONTROL AND THE PUBLIC INSTITUTIONS

In the previous chapters those common tasks and responsibilities relating to the poor citizen, the sick stranger, the insane and the offender, which have been assumed by the state, have been described. And while it has been the main purpose of this study to set forth, historically, the problems incident to the care of these groups, a brief consideration of those inspectional and control powers which the legislature has developed over all state institutions seems important. Furthermore, in a state such as Louisiana, where the private agencies still carry a large share of the state's welfare problems, volunteer effort can not go unmentioned.

As has been pointed out, from the beginning the legislature recognized the need for some measure of supervision over the state institutions to which it appropriated funds, and annually a Joint Committee from the House and Senate visited Charity Hospital to report back regarding the management. An occasional inspection by the New Orleans grand jury and fairly regular visitations on the part of Board members continued throughout the early days. That reports furnished the legislature by such groups were meager and mostly uncritical, it is hardly necessary to say.

Gradually a standing Committee on Charitable Institutions evolved to which were referred petitions for funds from private agencies, questions of budgets for state institutions, and proposed legislation. This Committee was expected to visit the institutions and report back to the legislature. But the membership of the Committee was a constantly shifting one, and usually when a special problem arose a new Committee was appointed. For instance, in 1843 a complaint from the citizens of Baton Rouge about the management of the state penitentiary resulted in the appointment of a special Joint Committee of both houses "to enquire into the causes of complaint and that said committee be authorized to administer oaths and to send for persons and papers and to report at as early a date as

possible."[1] After the Civil War the Committee on Charitable Institutions became the Committee on Charitable and Public Institutions. In 1884 the governor recommended that the institutions for the deaf and dumb and the blind and the insane be put under the Committee on Quarantine, while only the charity hospitals and the soldiers' home be under the supervision of the Committee on Charitable and Public Institutions.[2] However, that same year the latter Committee was able to defeat a motion for the appointment of a special Committee to examine into the books, vouchers, and general management of the Jackson Hospital for the Insane, and insisted that it stood ready to make all necessary investigations.[3] Later, the Committees were combined into the Committee on Health, Quarantine, Drainage, and Charitable Institutions.[4]

Probably no board took a more active supervisory interest in the welfare of the inmates than did the Board appointed for the Jackson asylum. Particularly did this group need protection from possible abuse, and during that period when no attempt was made beyond custodial care, the humane, kindly interest of the Board expressive of the community's concern in these unfortunate persons, together with a critical eye for housekeeping and sanitary arrangements, was quite typical of the period.

With the state penitentiary a unique problem of supervision and control arose out of the lease system, and the failure of a Board to prevent the abuses resulting from such a system have been evident. The original governing body provided for in the act of 1834 specified a Board of *Inspectors* and the more watchful attitude of the legislature, not so much to prevent abuses toward the prisoners, as to secure the proper management of funds was manifested. With the inauguration of the lease system in 1844, the Board of five members appointed to supervise the institution always complained of their lack of power, until the act of 1857 put them on a pay basis ($100 a year). An era of better management followed, probably partly due to their vigilance. With the renewal of the lease system, following the Civil War, greater powers were bestowed upon the Board of Control, but statutory authority to "supervise the health

[1] *House Journal* (1843), p. 43.
[2] *Ibid.* (1884), p. 94.
[3] *Ibid.*, pp. 123, 433.
[4] *Ibid.* (1898), pp. 237–38.

and religious instruction of the convicts, to prescribe their rations, clothing, and punishment, to provide for the erection and repair of buildings and machinery, and for the issue and disposition of state bonds to pay for such," failed completely to prevent abuse and at the same time did not earn for the state those profits for which the legislature so vainly looked.

The influence of those citizens responsible for the organization of the Louisiana Prison Reform Association in the better management of the state penitentiary has been discussed.[5] A bill[6] introduced into the legislature of 1894 for the organization of a Board of State Charities, which was favorably reported on by the Committee on Health, Quarantine, Drainage, and Charitable Institutions to which it was referred, was undoubtedly backed by this same group of citizens. Another parallel movement for the better supervision of the New Orleans institutions was the Board of Commissioners of Prisons and Asylums created by the city council in 1881.[7] Some sidelight upon its efforts to secure more adequate accommodations for the insane has been suggested, and on the whole the reports indicate considerable vigor on the part of this Board in the early days.

Finally, the new constitution of 1898[8] provided for the creation

[5] See pp. 162 ff.

[6] *Senate Journal* (1894), p. 60.

[7] Jewell's *Digest of Ordinances of City of New Orleans,* p. 384.

[8] Art. 295. "The Legislature shall provide for a State Board of Charities and Corrections which shall consist of six members and of which the Governor shall be chairman ex-officio. Upon the organization of said Board, the Governor shall appoint one member for six years, one for five years, one for four years, one for three years, one for two years, and thereafter shall make appointments for six years except in case of vacancy in office when the appointment shall be made for the unexpired term. The members of the Board shall serve without compensation but they shall be authorized to elect a secretary who shall receive such salary as may be fixed by the Legislature. The state shall make provisions from time to time for payment of its expense.

"The duties of the Board shall be strictly visitorial, without administrative or executive powers. It shall visit and inspect all state, parish, or municipal institutions which are of a charitable, eleemosynary, correctional, or reformatory character, and all private institutions of like character utilized or aided by parochial or municipal authority, and all private insane asylums, whether so utilized or aided or not.

"The Board shall report annually to the Governor and to the Legislature at each session thereof the actual conditions of all the above institutions. They shall make such suggestions to the Governor and Legislature as may be necessary and pertinent;

of a State Board of Charities and Corrections, and in 1904[9] an act carried this provision into effect. A revolving Board of six members, with the governor as ex officio chairman, to serve without compensation, was created. And, although the constitution had provided for a secretary with a salary to be fixed by the legislature, the act specified that this officer was to serve without compensation. The duties of the Board were to be strictly visitorial without administrative or executive powers, and included state, parish, or municipal institutions which are of a charitable, eleemosynary, correctional, or reformatory character. The provision that the Board, in making recommendations to the governor, must have the concurrence of a majority of the members of the boards of control of the various institutions indicates how hesitant the legislature was to delegate authority to a central body. The office of the Board was to be in New Orleans.

As the legislature failed to make any appropriation for the expenses of the Board, in order to get some measure of reform instituted, the Lousiana Prison Reform Association brought in at its own expense Dr. Frederick H. Wines to make a study of the state penitentiary.[10] Largely through the efforts of Mr. Michael Heymann, the Board was kept alive and the first annual report of 1906 states that all institutions of the state had been visited and gives a brief account of conditions, not unlike the former legislative reports. The membership of the Board included three from New Orleans, one from Shreveport, and one from New Roads.[11] As all the New Orleans members were also on the New Orleans Board of Prisons and Asylums, the association between the two continued very close.

In 1918 the law[12] was amended to provide a salary of a secretary

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provided said suggestions are concurred in by a majority of the Board in control of each of said institutions. The officers in charge of said institutions shall furnish the Board such information and statistics as it may require."

[9] *Louisiana Laws* (1904), pp. 361–62.

[10] See p. 163.

[11] They were: Michael Heymann, T. P. Thompson, E. B. Hendron, R. M. Carruth, P. S. Westfeldt. See *First Annual Report of Members of the State Board of Charities and Corrections* (1906).

[12] *Louisiana Laws* (1918), pp. 99–100.

not to exceed $600. In 1921 a new constitutional convention[13] again provided for a Board, and an act of the same legislature increased the salary of the secretary to $900, and specified a total appropriation for salary and traveling expenses of $3,000. The duties of the Board were: those of supervision over all state, parochial, and municipal institutions of a penal or charitable character, and visitation of all private orphan asylums, hospitals, and charitable institutions in the state. It was to enjoy neither administrative nor executive powers.

The Board was to report annually to the governor and legislature the actual condition of all the foregoing institutions and make such suggestions as were necessary and pertinent, the concurrence of the Boards of the institutions, specified in the constitution, no longer being a requirement.

That a staff consisting of a part-time secretary and field agent, with limited clerical assistance, should perform the duties and exercise the responsibilities imposed on the Board is obviously out of the question. The proper supervision of the two large general hospitals for the treatment of acute medical and surgical conditions, two institutions for the mental diseases, the state penitentiary, the two industrial schools for the delinquent youths of the state, the state colony for the feeble-minded, and the old soldiers' home would require a highly technical and extensive staff. Nor are these all its obligations, for the Juvenile Court Act of 1908 instructed the clerks of the juvenile courts throughout the state to submit to the State Board a report in writing upon blanks to be furnished by the Board, showing the number and disposition of all dependent and delinquent children brought before the courts and the number, character, and disposition of adults charged under the provisions of the act, together with useful information regarding such cases.[14]

The supervision of parochial and municipal institutions, mainly the local jails, is a time-consuming task, and the mere visitation of the innumerable orphan asylums and other private charitable institutions an added one. The Board has repeatedly urged larger appropriations in its reports, but its budget for 1928–29 is but $7,500 and no further increase in staff has been made possible.

[13] Art. VI, sec. 10.

[14] *Louisiana Laws* (1908), p. 96.

For no group is the lack of state supervision and control more striking than that of dependent children. The Board lacks the administrative power of licensing either children's institutions or child-placing agencies, and lacks all right of control over maternity homes.[15] This vast and important field of treatment is therefore left to unregulated private efforts, with the resultant lack of standards of care. The report for 1923 of the State Board states that at the request of the governor the two child-placing agencies of the state were investigated by the Board, but does not give the results of their investigations.[16] The 1927 *Report* contains the "Report of a Study of Child Welfare Conditions and Problems in Five Parishes in Louisiana," a study made in co-operation with the School of Social Work of Tulane University, and points to the need for a department of child welfare within the State Board organization, and indicates the interest of the Board in this important field.[17]

There are other interesting questions to which reference might be made. There is, for example, the question of the scope of public welfare as distinguished from education or health. These have not been so embodied in policy that a definite program can be described. For example, the fact that the act[18] of 1918 providing for the State Industrial School for Girls stated that the institution should be under the governing authority of the Louisiana State Board of Education raises the very interesting matter of allocation of functions between the different departments of the government and the question whether such service is primarily educational, and in the nature of those functions usually performed by a state board of education, or whether it takes on more nearly the character of the social case work often practiced by welfare agencies, seems fairly settled in favor of the former in Louisiana. The fact, too, that in the

[15] The United States Bureau of the Census report on *Children under Institutional Care: 1923* (p. 33) gives the number of dependent or neglected cases in institutions in Louisiana as 2,300, while only 154 are reported placed outside the institution under supervision.

[16] *Report of the Louisiana State Board of Charities and Corrections* (1923), p. 13.

[17] *Ibid.* (1927), pp. 8–36.

[18] *Louisiana Laws* (1918), p. 248. Successive legislatures failed to make appropriation to carry the act into effect, and not until 1926 was this brought about. See *ibid.* (1926), pp. 280–82.

same year the legislature considered it necessary to provide a special Louisiana Commission for a Training and Reformatory System "to study the vital subject of a Reformatory and Training Institutional System for truant, derelict, and criminally disposed boys of the state,"[19] with the state superintendent of public schools, the chairman of the State Board of Affairs, and two members of the House of Representatives serving on the Commission, is further indication that the legislature is not clear as to where such responsibilities should be placed and which State Board should be treated as the central authority especially concerned with such problems.

As a matter of practice, both the industrial schools are visited and reported on by the State Board of Charities and Corrections. With the schools for the deaf and dumb and blind, which in Louisiana are under the educational authority, there has been a more general recognition of the educational character of the work, although the question may still be considered an open one. The creation of a new Commission for the Blind in 1928[20] indicates that this group is for the present set apart from "charities and corrections."

The supervision of the two charity hospitals might well raise a question as to the distinction between the "welfare" function and that of public health. The possibility of inspection by the State Board of Health does not appear to have been considered. Probably the very age and size of the institution gives it a position and power not to be subordinated to that of any supervising authority, while with the appointment of an eminent medical man as vice-chairman of the Board, it has not been considered that better technical advice resides elsewhere. The use of the services of the State Board of Health by the state penitentiary and by the Jackson hospital authorities has been mentioned[21] and is in accord with the usual assignment of functions to such an authority. Its special power to enforce sanitary regulations in the jails of the state provided by the act of 1918[22] should also be mentioned.

A consideration of the problems of inspection raises inevitably the question of control on the part of a central authority. If a state wishes to progress from custodial care to curative treatment and

[19] *Ibid.* (1918), p. 31.

[20] *Ibid.* (1928), pp. 114–16.

[21] Pp. 116, 173.

[22] *Louisiana Laws* (1918), p. 446.

to a co-ordinated plan for prevention, the problem focuses at this point. For only in a state department of supervision and control can the awareness of scientifically arrived at standards of care, based upon knowledge of the per capita costs, of an economical type of architecture suited to the needs of the various groups, of dietaries and of the degrees of technical skill that are requisite, consistently reside. A comparison of the relative efficiency in administration by the several Boards of Directors of state institutions with the central Board of Control has been frequently discussed and need be only mentioned in passing. Since 1917, when the Illinois Civil Administrative Code abolished the former Board, substituting one-man control directly responsible to the chief executive,[23] the discussion has shifted to the relative merits of this type of control of the public welfare institutions of a state.

There are in Louisiana, aside from the State Boards of Health and Charities and Corrections, a paid Board of Parole, an unpaid Tuberculosis Commission,[24] and the newly enacted Commission for the Blind, whose members are also unpaid.[25] That the state has remained until recently outside the so-called "economy and efficiency" movement, which has in many states led to a reorganization of the state government, increasing the power of the chief executive, centralizing the administration, and inaugurating more rigid fiscal control over all operations is evidenced by the fact that not until 1924 was an Efficiency and Economy Commission created by the state legislature.[26] It was specially charged to make recommendations regarding the consolidation of boards and agencies, but so far there is no report available relating to public welfare. Centralized purchasing, and superintendence over buildings and over new construction are lacking. However, since 1920 the Louisiana Tax Commission has brought about a special scrutiny of budgets submitted by the Boards of the various institutions, and in a sense a new supervising influence has become active. It is interesting to note their comments regarding Charity Hospital (New Orleans), and the following rather lengthy excerpt from their report for 1928 seems jus-

[23] *Laws of the State of Illinois* (1917), pp. 4–28.

[24] *Louisiana Laws* (1912), p. 295; also *ibid.* (1918), p. 320.

[25] *Ibid.* (1928), pp. 114–16.

[26] *Ibid.* (1924), p. 195.

tified as indicating the kind of influence this body may exert in the future upon standards of care in state institutions:

This institution in our judgment is one of the most meritorious of all state bodies, and it is a source of regret to this commission to be unable to recommend the appropriation requested. We have on sundry occasions visited this hospital and have noted the vast improvements and the many more comforts presently existing than formerly due to the wise expenditure of money by those in charge of this institution. The Charity Hospital requests an appropriation for maintenance and support for the first period ending June 30, 1929 of $923,603 and for the last period ending June 30, 1930, $919,811. It would give this Commission pleasure to recommend to the Legislature the appropriation requested for maintenance and support, but unfortunately the General Fund out of which these appropriations emanate is wholly inadequate to comply with the request made. We have therefore done the best possible in that this Commission recommended for support and maintenance $789,122 for the first year and $868,034 for the last year, which recommendations are 10 per cent over the amounts appropriated by the Legislature for the biennium ending June 30, 1928. We, of course, recognize the keen disappointment that will be felt by the Board of Administrators and its friends in the recommendation proposed by the Louisiana Tax Commission, but in our judgment it is the best that can be done without slighting other institutions very nearly approximating the importance of Charity Hospital.

This Commission has also recommended an appropriation of three ambulances to replace the antiquated and obsolete vehicles which were donated to the hospital some eight or ten years ago. In our judgment these ambulances are of vital importance.

We have also recommended appropriations for the purchase of one two-ton truck as well as $34,793.80 and $34,000 to replace funds borrowed from special legacies for the purpose of purchasing the hospital absolute necessities.

In the matter of improvements, request is made for an appropriation of $285,000, which in our judgment are absolutely necessary. However, by reason of dearth of revenues, it is impossible to meet in full the request presented and we have apportioned out of such revenues available to the Severance Tax Fund (see Table No. 64) an appropriation of $109,081, which, while we recognize as wholly inadequate, it is our hope that it may temporarily, for a time at least, permit the Charity Hospital to function with the least possible discomfort to their patients.[27]

An act of 1928[28] requiring all state institutions to file with the secretary of the state and state auditor, at fixed periods, certain reports showing in detail receipts and expenditures of all funds, together with the names of all employees and the salaries and compensation paid, indicates further effort at control and possibly at standardization.

[27] *Report of the Louisiana Tax Commission,* April 1, 1928, p. 40.

[28] *Louisiana Laws* (1928), pp. 232–33.

CHAPTER XIV

CENTRAL CONTROL AND THE PRIVATE INSTITUTIONS

Probably at no point can the corporate sense of responsibility manifested by the state toward its welfare problems be better gauged than by its policy with reference to control over the private agency. What share of those common tasks and responsibilities relating to the poor citizen, the sick stranger, the insane, and the offender had been assumed by the state has been set forth. What properly remained for the church and for the charitably inclined citizen probably was never clearly envisaged by the legislature. The problem of care for the children left dependent by the ever recurring epidemics rapidly increased, but that the care and protection of this group was properly the sphere for private action was commonly accepted. That there was some claim, however, upon the "bounty" and "fostering care" of the state was early recognized, and the policy of subsidizing the private agency was established.

An act[1] of 1817 to incorporate the Female Orphan Society inaugurated the first of a long list of institutions caring for orphans and widows. Two years later an appeal for funds from the superior director, A. A. Wolstancroft, was considered by the legislature, and an appropriation of $2,000 to the Poydras Asylum, as it was now called,[2] was granted. The following year a Joint Committee was appointed to repair to the Poydras Asylum and report the present situation of that charitable institution.[3] The Committee was so impressed with the good work of the director that they recommended that

> this benevolent institution, which reflects such honor on our city, requires the particular attention of the government. . . . . It would be desirable that not only those orphans born in the state, but all those lingering in want and misery, be admitted. Are not those whose parents have fallen victims to the epidemics that so often desolate Louisiana, though strangers, worthy the compassion of a philanthropic government like that of the United States?[4]

[1] *Louisiana Laws* (1817), p. 192.

[2] *Ibid.* (1819), p. 78.

[3] *House Journal* (1820), p. 24.

[4] *Senate Journal* (1820), p. 40.

Annual appropriations continued, and in 1824 the institution shared with Charity Hospital the license fees from gambling.[5] Likewise the Society for the Relief of Destitute Orphan Boys, incorporated in 1825,[6] became a supplicant for state funds and shared in the gambling fees, and, in 1832, from the licensing of theaters and other amusements. A Joint Committee from the legislature continued to visit these and other asylums for the care of widows and orphans.

Each successive year saw the incorporation of additional private denominational organizations, and to an increasing number the state appropriated varying amounts. By 1870 this reached $98,250 and included forty-four organizations. The following list of names of organizations receiving grants with the amount appropriated to each in 1870, furnishes some idea of the type of agency subsidized and of the allotment of grants among them:[7]

Camp Street Female Asylum, New Orleans	$ 2,000
St. Joseph Orphan Asylum, Fourth District, New Orleans	1,250
St. Ann's Asylum, Fourth District, New Orleans	1,000
St. Mary's Catholic Orphan Boys' Asylum, New Orleans	2,000
St. Elizabeth's Asylum, New Orleans	1,500
Orphans' Asylum, Seventh Street, New Orleans	1,000
Society of Destitute Orphan Boys in Parish of Jefferson	500
Female Orphan Asylum at Carrolton	2,000
St. Vincent's Orphan Asylum, Donaldsonville	1,500
Female Orphan Asylum, Baton Rouge	500
St. Vincent's Home for Boys, No. 371, Bienville Street, New Orleans	1,000
Protestant Episcopal Orphans' Home, Jackson Street, New Orleans	5,000
Third District Indigent Orphan School	3,000
St. Vincent's Infant Orphans' Asylum, New Orleans	5,000
Louisiana Orphans' Home	2,000
German Protestant Orphan Asylum	3,000
Girls' Asylum conducted by the Sisters of the Holy Cross, Third District, New Orleans	1,500
Female Orphan Asylum, Sisters of Charity, Baton Rouge	2,000
Protestant Female Asylum, Baton Rouge	2,000
St. Mary's Orphan Boys' Asylum, Third District	3,000
Children's Home of Protestant Episcopal Church	1,000
Sisters of Providence, corner of Hospital and Tonti Streets—education of colored orphans	1,000
Orphans' Home Society of Louisiana	20,000

[5] *Louisiana Laws* (1824), p. 156.

[6] *Ibid.* (1825), p. 92.

[7] *Louisiana Laws* (1870), pp. 77–85.

Louisiana Orphans' Association	2,000
Augusta School and Charitable Association	500
House of Good Shepherd, New Orleans	2,000
Sisters of Providence, corner of Girod and Marigny	1,000
Grand Samaritan Charitable Association of Assumption Parish	500
Charitable Institution under the auspices of Fourth African Baptist Church of New Orleans	500
Home of Jewish Widows and Orphans, New Orleans	1,000
Widows' Home, Third District, New Orleans	1,000
Holy Family Widows' Hospital Association	1,000
Turgis Asylum for Destitute Widows	1,000
Benevolent Association of Thibodaux	500
Zion's Travelers' Benevolent Association of Jefferson	1,000
Macedonian Benevolent Association of Jefferson	500
Evangelical German Association, Jefferson Parish	1,000
Conference of St. Joseph's of St. Vincent de Paul, New Orleans	2,000
Home Missionary Society of New Orleans	1,000
Firemen's Charitable Association	10,000
Firemen's Charitable Association, Gretna	500
Algers Firemen's Association	1,500
Shreveport Medical and Surgical Infirmary	5,000
Louisiana Retreat, Jefferson Parish	2,000

It will be noted that more than half of these institutions cared for orphans; a number for widows; many took the form of mutual benefit associations which cared for sick members, buried the dead, and attempted to provide for dependent members. There were representatives of the different sectarian groups, Catholic,[8] Protestant, and Jewish. The first large appropriation was made in 1855 and, for the fifteen-year period that followed, the total amounts fluctuated between $11,750, paid in 1865, and $98,250, paid in 1870. The amounts granted by years were:

1855: $29,000	1860 .....
1856: 48,000	1861: 19,500
1857: 42,600	1862 .....
1858: 21,300	1863 .....
1859: 28,500	1864: $49,500

[8] An early bequest (1842) of one Joseph Claude Mary, who died in France leaving $5,000 to the orphans of the First Municipality *(aux orphelins de la Première Municipalité)*, was claimed by the New Orleans Catholic Association for the relief of male orphans and awarded to it by the Probate Court. However, the decision was reversed by the higher court and made in favor of the city council of the First Municipality. See *Succession of Joseph Claude Mary*, 2 Robinson La. 438.

1865:	11,750	1868:	39,800
1866	.....	1869:	15,000
1867:	80,700	1870:	98,250

That the number of dependents needing care severely taxed the private agencies is evidenced by many reports. Revenue from memberships and donations were uncertain; debts were often necessarily contracted to keep the institutions going; and the resultant standard of care was below the recognized minimum of the period. In 1845 a Committee, appointed to look into the affairs of the New Orleans Catholic Asylum for the Relief of Male Orphans, found the children in want of clothing and shoes. Salaries were unpaid, outstanding bills for groceries were long overdue, and the building was in urgent need of repairs. The income from private sources was reduced to six dollar membership fees paid but by thirty subscribers.[9] Following each yellow fever epidemic new asylums were organized. During the severe epidemic of 1853 the Howard Association, as an emergency measure, established three asylums for the care of 241 children left totally destitute by the death of their parents. At the close of the epidemic, they were transferred to the regular establishments in the city, together with $100 for each child from the Association funds.[10]

Closer scrutiny regarding state appropriations followed the appointment of a legislative Committee on Charitable Institutions. In 1853 this Committee severely questioned the proportion of the total expenditure for the asylums located in New Orleans as compared with local financial assistance on the part of the city of New Orleans. For the previous year the state had given $21,500 as against $17,717 appropriated by the city council. The following comments in the report indicate the degree of responsibility accepted by the state:

> Now the state having assumed the management and support of the Charity Hospital where thousands of foreigners and persons not citizens are received, as

[9] *House Journal* (1845), p. 52.

[10] *Report of the Howard Association of New Orleans Epidemic of 1853,* p. 27. It is interesting that following the very severe epidemic of 1878, which was more general throughout the country, the Executive Committee of the Yellow Fever National Relief Commission drafted a bill for a national Memorial Orphan Asylum which would support, educate, and care for children whose parents died during the epidemic. See *Report of the Executive Committee of the Yellow Fever National Relief Commission* (Washington, D.C., 1878).

well as many who are, we cannot understand on what just principles rest those claims that the state should give more than the city. . . . . While your committee thinks it the duty of the state to aid in the maintenance and relief of the poor and sick they do not think it should be converted into a great eleemosynary institution. The state should restrict and compel New Orleans to pay some attention to the invalid, orphan, widow, and poor, as do other cities in the Union.[11]

Each year the opposition to public support of the innumerable private organizations became somewhat more articulate in the legislative debates, and a distinction between what were properly state as distinguished from local functions, as well as the division between public and private responsibility, was frequently discussed. Particularly did the opposition come from "upstate" representatives who pointed out that most of the institutions benefiting from the common purse were located in New Orleans.[12] In 1856, however, although the opposition was more organized than in any previous legislature, a motion to strike out all appropriations to private charities could not be carried. While the supporters of the budget argued that the welfare of individuals and the welfare of the state becomes identical in these cases; that it was clearly the policy of the state to aid in sustaining these institutions which, without state aid, could not be operated; and that $12.50 for each child was a small boon from the state, the opposition found the policy unconstitutional, opposed the care of the poor and needy, which they thought properly a parochial or municipal matter, and pointed out that the benefits were derived by only a few in the immediate locality of the in-

[11] *House Journal* (1853), p. 98.

[12] A Baton Rouge daily, the *Daily Gazette and Comet,* in its issue of February 25, 1860, challenged the right of the legislature to continue appropriating funds: "This magnificent state will be called upon now in a few days in the bustle of breaking up of the legislature, to give away to this and that charitable institution, $10,000, $15,000, and $20,000. All but two or three of these private pensioners on the public treasury are located in the city of New Orleans, with private officers and some of them money-making institutions. Is it right that they should receive regular donations of money from the funds of this onerously taxed people? How have such institutions become stipendiaries on the public treasury? What use do they put the money to? There is only one institution in the city of New Orleans having any claim whatever on the public treasury and that is the Charity Hospital. If the members of the legislature were aware of the fact that the state renounces the right to certain taxes in the city which go to the support of the Hospital, they would then ask what becomes of all the money appropriated out of the state treasury for its support. . . . ."

stitution.[13] The following year they reminded the legislature that of all the charitable institutions to which appropriations were made, only four furnished the legislature with a report. A rumor that an appropriation to the Jewish Home for Widows and Orphans had been used for the erection of a church, and not for the care of the inmates of the institution, revived the discussion regarding the right to inspect all private institutions.[14] The following year the governor, in his message to the legislature, urged that their support be left to the benevolence of private citizens,[15] but his advice was not taken.

The story of these private organizations during the Civil War is similar to that of the public institutions. A memorial[16] to the legislature of 1865 from the Benevolent Association of Catholic Ladies of Baton Rouge gives an idea of the fate of their asylum during the years 1862–64, which is undoubtedly typical of most of these charities. With diminished funds the directors had attempted to carry on the work for a rapidly increasing number of dependents. An appeal to the legislature for funds offered the only hope for continued existence.

That they were affected by the political heat of the reconstruction period is evidenced by the appropriation act of 1868 which provided:

> that henceforth no appropriation shall be made either to the charitable, benevolent or other institutions or asylums of the state, whether private or public, until the rules, regulations, or by-laws governing and controlling such institutions or asylums are so altered, modified, or changed as not to exclude persons on account of race or color.[17]

However, a special appropriation of $15,000 to one institution was made in 1869 and in 1870, without reference to the act of 1868, the largest amount voted to private relief. After that the appropriations ceased, and the constitution[18] of 1879 prohibited the appropriations

[13] *House Journal* (1856), pp. 55–59.

[14] *Ibid.* (1857), p. 41.

[15] *Ibid.* (1858), p. 7.

[16] *Ibid.* (1865), pp. 135–36.

[17] *Louisiana Laws* (1868), p. 217.

[18] Constitution (1879), Art. 51. "No money shall ever be taken from the public treasury, direct or indirect, in and of any church, sect or denomination or religion, or in and of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against any church, sect or creed,

from the state treasury for "any private charitable or benevolent purposes." The same year an act[19] was passed granting permits to religious or benevolent organizations to hold entertainments as a means of raising funds.

Petitions for relief continued to be presented to the legislature by several of the asylums. An appeal[20] of 1884 from the Sisters of Charity of the St. Vincent's Infant Orphan Asylum stated that the institution was entirely dependent upon the public for funds to support the 200 children and 20 destitute women cared for. However, such appeals got no farther than the Committee on Charitable and Public Institutions.

Inspection and control on the part of the legislature over the forty-odd associations to which they appropriated money were practically nonexistent. Appropriations were made in lump sums and not on a per capita basis. No reports were required, and the visits of the House Committee on Charitable Institutions to the New Orleans institutions were, as was most inspection of that period, in the nature of pleasant visiting. The following excerpts[21] from the reports of this Committee illustrate this generality of comment:

ST. VINCENT'S ORPHAN BOYS' HOME, 371 BIENVILLE STREET

This home has been founded recently. The exigency of the late war was the incentive which prompted the benevolence of its originators. The boys of our city have grown up without restraint, some orphans and many half orphans. These boys principally are abandoned. Many of them were newsboys and nothing so degenerates the mind, morally and physically, as boys having no parental restraint, yet, a desire on their part to earn a subsistence. The mixed character of their associations leads them to every element of viciousness; consequently the establishment of this Home.

There are now fifty-four (54) boys in this asylum. Their buildings have

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or religion, or any form of religious faith or worship, nor shall any appropriation be made for private, charitable or benevolent purposes to any person or committee, *provided* this shall not apply to state asylums for the insane, and deaf, dumb and blind, and the county hospitals and public charitable institutions conducted under state authority."

[19] *Louisiana Laws* (1879), p. 61.

[20] *House Journal* (1884), p. 344.

[21] "Report of Committee on Charitable Institutions to the Legislature," *Documents* (1867), pp. 1–7.

been recently purchased and are very suitable and convenient. The discipline is wholesome and the facilities for their education are properly attended to.

This institution we recommend to your benevolent consideration. Its officers are D. P. Scanlan, president, P. G. Mohar, treasurer.

HOUSE OF THE GOOD SHEPHERD, BIENVILLE STREET CORNER BROAD

This institution has repeatedly been called to the attention of the general assembly. Formerly they occupied the buildings on Magazine Street, but now have moved permanently to their new asylum.

This institution is specially to reclaim profligates and abandoned females old and young. There are about twenty-five sisters in charge of this asylum; their duties are of a self-abnegating character, and much good has been achieved.

Your committee would remark, in connection with this asylum, that to elevate the abandoned female to a sense of duty to herself and her God, is a work of benevolence and charity which the mind duly appreciates and sympathizes with. They have scarcely any source of support except from the legislature and by taking in sewing and washing.

This institution is under the management of Sister Mary Agnes, and has (125) one hundred and twenty-five inmates.

ASYLUM FOR INDIGENT WIDOWS AND THEIR CHILDREN, BETWEEN GIROD AND ST. JOHN BAPTIST

This institution has been recently established by Father Turgis in the outskirts of the city near McCarty Square, Third District. There are at present six families in this asylum, and many more applying for admission. The grounds are newly fenced and framed buildings of one story recently constructed.

Your committee, in visiting this institution, were struck with its simplicity, the true charity of its purpose, and were particularly gratified. The institution is one which your committee could not but commend.

INDIGENT SCHOOL FOR COLORED ORPHANS, GREATMAN STREET, THIRD DISTRICT

This school is presided over by Francois Betrand. The property on which the school is located was donated by Madame Bernard Convant, and has at present a rental of $36 per month.

There are about 280 children in this orphan school, and Mr. Armand Lanusse its preceptor. All of them are descendants of the original "free" colored population of the city.

This institution has been in existence for many years. It has been principally sustained by voluntary contributions and appropriations from the state previous to the war. About one-half of the pupils pay a dollar per month tuition fees; the other half are indigent. Your committee present this institution to your consideration.

CHAPTER XV

PRESENT-DAY PROBLEMS IN THEIR HISTORICAL ASPECTS

The historical approach to the current issues in the field of public welfare organization in Louisiana takes the student back to French and Spanish influence upon its government and law. By the terms of the Louisiana Purchase (1803) a country, once a Spanish dominion and twice a colony of France, became, without the consent of its people, a territory of the United States government. Governed by military authorities, with appeal from the local courts carried to Havana and to Spain, the inhabitants had developed little talent for local government. Furthermore, the heterogeneous mixture of Spanish, French, and newly arrived Americans found it difficult to organize and function as a political unit, while the conflict between the older civil law of France and Spain, with the superimposed Anglo-American system of law, caused further complications.

The more civilized conception of the relationship between husband and wife and parent and child, as set forth in the *Civil Code* of 1808, as compared with that of the common law, is important in considering how far Louisiana has advanced, particularly in its legal protection of the child and in other fields of so-called social legislation. For if such legislation is to protect it cannot remain static, but must be adapted to constantly changing conditions and standards of care. While the position of the married woman under the partnership of "acquets and gains," whereby one-half of the community property belonged to her, was legally more secure than the status of woman under the common law of coverture, actually the latter had recourse to equity; and in both cases only the rich woman was affected. Again, with the child, those civil law provisions of the tutor, the undertutor, and the "family meeting" applied only to the child with property, and there is no evidence that use of the family counsel was related to every child left unprotected. And it is most unfortunate that provision for the child without property has not been embodied in a more adequate mother's allowance act.

Adoption has, of course, been taken over by the common law states, and it is a curious fact that Louisiana, the only civil law state in the Union, should have abolished the provision in its *Civil Code* of 1808 and not permitted such action again until 1864. It remains, too, one of the three states[1] in the Union permitting adoption without judicial proceedings, and still considers a matter so important to the welfare of the child as a private act and not one for the investigation and consent of the court. That no successful effort has been made to keep pace with the movement for better protection of the illegitimate child is indicated by the archaic bastardy law with its distinction between the "adulterous" and "incestous" bastard, and the lack of adequate machinery for enforcing support by the father. The interesting use of the civil law provision for the family counsel in the protection of the insane has been cited.

Perhaps no state illustrates more acutely the close bearing of health upon those social problems which have been allocated to the field of public welfare. As one of the great ports of entry to thousands of European immigrants, the treatment of those problems incident to their arrival in a new country is significant for this study. For it was out of the early boards or commissions created to handle such questions that our first boards of public welfare grew. That Louisiana placed upon the Board of Administration of Charity Hospital the responsibility for collecting the head tax imposed on passengers, which was also the method employed by other states to meet the expense of caring for sick and indigent aliens, and did not create a special board, as did New York in 1847 and Massachusetts in 1851, is perhaps significant of the way in which the legislature commonly met such problems by relying on the private organization.

The long delay and vacillating policy of the legislature in the creating of a state board of health intrusted with powers to enforce quarantine regulations in the port of New Orleans extended from 1818 to 1855, when the first adequate State Board of Health was brought into existence. Local boards did not follow until 1882. And during this period the city and state were left exposed to ever recurring epidemics of yellow fever, cholera, and smallpox. During the yellow fever epidemic of 1853, more than 8,000 inhabitants of

[1] With Iowa and Texas.

Louisiana died, and although there is probably no accurate record of the total loss from all epidemics, a Public Health Service report estimates the loss in the city of New Orleans from 1793 to 1901 as 41,348 persons from yellow fever alone. It is hardly necessary to point out that the resultant social difficulties immeasurably increased the total cost in suffering and financial burden to the state.

In its early Poor Law provisions it is perhaps surprising to find, with the exception of the state administration of its two charity hospitals, no trace of French influence, while, as was to be expected, Louisiana inherited none of the Anglo-American tradition of local responsibility. Not until 1880 was there any state-wide legislation placing upon the parishes the responsibility for the care of the poor. Perhaps it should be pointed out that the lack of pauper legislation, which in such older states as Virginia, Massachusetts, and New York was very often harsh in its treatment of the poor person, taking on many aspects of police regulation, was indicative of complete neglect rather than of an attitude of toleration. Probably there was a strong surviving attitude of expecting the church to care for the poor.

In the sweep of the century and a quarter since Louisiana became an American state can be discerned the presence of those general problems basic to the care of the groups of wards for whom the public assumes increasing responsibility. To meet the need manifested in the common goal of New Orleans, herding as it did, the vagrant, the debtor, the child, the insane, as well as the felon, in a most inhuman and uncivilized fashion, have arisen those specialized institutions dealing with the adult offender, the insane, the feeble-minded, and the delinquent youth, as well as the deaf and the dumb and the blind.

On the other hand, in the history of Charity Hospital, serving, indiscriminately, as the main refuge for the sick stranger and the needy and sick local inhabitants, is revealed the policy of the state legislature toward questions of the sick poor, settlement, local poor relief, as well as the early control of immigration already indicated. Founded in 1735 by a sailor, Jean Louis, it was further endowed in 1784 by Almonester y Roxas, an outstanding figure of the Spanish régime whose royal prerogatives as patron are reminiscent of the

Middle Ages. In 1814, the state legislature assumed responsibility and, following many vicissitudes, the new hospital of 1832, which forms part of the present unit, was built. The attempts of the state legislature to finance the ever increasing cost of the hospital through various license fees, taxes on amusements, court fines, etc., and by the famous Louisiana State Lottery, instead of by direct appropriation, are probably unique in state finance. This is illustrated by the rather anomalous grant of power seen in the licensing provisions, whereby the treasurer of Charity Hospital is responsible for granting all amusement licenses, and it is a curious fact that legislation so recent as 1926 should provide that this officer is liable for failure to issue such permits or licenses, while for failure to pay, the hospital must seek a judicial remedy through the court, often involving it in litigation.

From the five patients received in the first hospital on May 20, 1737, the hospital has grown to a capacity of 1,732 beds. During this period of nearly two hundred years the outstanding problem has been that of overcrowding. Thousands of sick strangers have been treated in its wards. In 1821, of the 1,135 patients admitted only 17 were Louisianians, and in 1859 only 360 patients out of 9,568 treated were from the state. Gradually, with the decline in immigration, the number of aliens or strangers decreased, until today the hospital serves almost exclusively citizens of the state. Successive epidemics also crowded its wards and the lack of local care for the aged, the infirm, and often the child has in the past lowered the standard of medical care, very nearly converting the hospital into an almshouse.

The efforts of the hospital to emerge from the disorganizing efforts of the Civil War, and especially the Reconstruction, lasting until 1877, were fraught with great difficulties. The period since that date coincides with the development of modern medicine, and the question of medical care of individual patients in its scientific aspects has necessarily been considered outside the scope of this study. Certain phases of the professional care given, however, have been traced. For instance, the history of the nursing care of the patients is an interesting one. Beginning with the use of slaves in the very early days, followed by the employment of nurses selected from

among the convalescent patients, and the installation of the Sisters of Charity in 1834, the inauguration of a staff of trained nurses was delayed until 1894. The social service department growing out of a Social Service Committee, organized in 1915 is exceedingly limited in its efforts to serve out-of-town patients because of the lack of local resources and machinery for the after-care of patients, thus again pointing to the need for state-wide local public welfare services. Until such provision is developed, probably much more satisfactory after-care for these patients could be effected through a traveling staff of social service workers able to follow-up and arrange provision for convalescent care and other services without which much of the medical care rendered by the hospital is wasted.

Many additions to the plant and to the specialized services of the hospital have developed in more recent years, and the large outpatient department, serving as many as 19,055 patients in 1928, is indicative of the great usefulness of this institution. But the old evil, that of crowding, still persists. As recently as 1926, the superintendent comments on the fact that it is often necessary to put two patients in one bed for lack of accommodations. In an effort to restrict the use of the hospital to the indigent of the state, the so-called Medical Abuse Bill was passed in 1926, and a minimum of inquiry as to eligibility instituted for the first time. The use of a questionnaire, as prescribed by the legislature, is probably not very effective as a method of determining eligibility and further study on the part of the Board of Administrators is undoubtedly needed before a permanent solution will be reached.

The Shreveport Charity Hospital, with a present capacity of 350 beds, organized as a private infirmary in 1867 and taken over by the state in 1870, has a much less significant history. Located in the northwestern part of the state, for many years it suffered neglect on the part of the legislature. In 1886, nearly twenty years after the first state appropriation, a Committee from the legislature found the hospital located in an old school building on the edge of the city. Twenty-six patients were under the charge of a visiting physician. As late as 1890 the equipment was totally inadequate, the building without fire protection, and generally insanitary conditions prevailed throughout the hospital. During the next decade state appro-

priations increased, and the present daily per capita expenditure is now $2.45, as against $1.70 for New Orleans Charity Hospital. Many improvements have resulted, and an A rating granted the hospital by the American College of Surgeons and by the American Medical Association would seem to indicate a definitely improved standard of professional care. However, the hospital lacks an adequate social service department.

With approximately 2,082 hospital beds and a large out-patient service available to the sick poor of the state, many interesting questions as to further extension of state care to this group will arise. Information which is now being kept by both hospitals as to the geographic distribution of patients may lead to an apportionment of the parishes, as is done with the hospitals for the insane. The relation between the state and the cities of New Orleans and Shreveport, in which these hospitals serve as the only municipal institutions for the care of the sick poor, is an important one. The question of state appropriations making possible equal per capita expenditures, the troublesome problem of determining eligibility, adequate social service departments for both hospitals, and the importance to the hospitals of well-developed local public welfare services are all matters that demand study and further attempts at solution.

The history of the care of the insane by the state of Louisiana illustrates most acutely those problems especially peculiar to the care of this group, namely, the struggle for adequate state provision as against local care, and the urgency of establishing scientific treatment to replace custodial care. As early as 1821, separate wards were set aside in the New Orleans Charity Hospital for the insane, and in 1840 a separate building was erected. The first specialized institution or "asylum" for this group, the Jackson asylum, was provided in 1847, and, from that time to the present the pressure for more accommodations has remained acute. Also its location one hundred and fifty miles from New Orleans, without railroad transportation, made building operations exceedingly difficult and legislative inspection of the institution infrequent.

Probably no other state institution suffered more seriously from the effects of the Civil War. Appropriations after 1865 were insufficient to pay back debts and, because of the depreciation of state

warrants, not more than 50 cents on the dollar was realized from such funds. The years 1875, 1876, and 1877 represent the lowest ebb in its service, when the patients were not even supplied with sufficient food and clothing, and actual misery and suffering resulted. Slowly more generous state funds were forthcoming, and from 1906 to 1927 the annual per capita cost increased from $91.25 to $243.82. The institution now accommodates 2,200 patients and has a total area of 4,681 acres, with 1,135 under cultivation. The labor of the patients, which in 1849 was largely confined to brick-making, is now used on the farm colony with the addition of an occupational therapy department, where certain patients are occupied on the basis of the doctor's prescription. Many improvements have been made in the physical equipment of the institution and in the type of professional care rendered the patients.

The inability of the institution to care for the insane of New Orleans long remained a serious problem. A temporary asylum opened in 1854 by the city council in one of the workhouses instituted the vicious practice of local care, which continued until 1883. In 1911 the present Hospital for Mental Diseases was built, and although it should serve only as a diagnostic unit, patients are retained beyond this period and the lack of city appropriations makes the type of care questionable. For many years the insane throughout the state languished in the jails and workhouses, and it was hoped that the opening of the new hospital at Pineville in 1906 would finally correct this situation.

However, this new institution, at first designed exclusively for the care of the colored patients, was forced to abandon this plan because of the long waiting list of white patients. Built to accommodate 400 patients, it was from the beginning so crowded that patients were herded on the galleries, and the superintendent commented in the reports that the institution could claim to be no more than a very poor boarding-house. The last report states that the institution always houses from fifty to one hundred more patients than the appropriations cover, and therefore requests for funds based on per capita expenditures mean little. The institution at present houses approximately 1,130. The opening of the State Colony for

the Feeble-minded in 1921 has failed measurably to relieve the congestion, and undoubtedly a third institution is urgently needed.

Standardization between the two institutions, which will result in a similar type of professional care, is needed. State appropriations based upon carefully estimated per capita costs, which properly account for the produce of the farm colonies, should be equalized. The Pineville hospital is without occupational therapy and social service, and the latter should be extended for both institutions. Technical supervision of this group remains a most important problem.

In its treatment of the adult offender the whole history in Louisiana might have been modified if the state had adopted the principles of criminal law and penal reform formulated by Edward Livingston at the request of the legislature in 1821. However, probably no state at that time was ready to follow such a radical proposal and the failure of Louisiana to provide a penitentiary system concerned with the reformation of the individual rather than self-maintenance is perhaps still generally the situation throughout the United States. The efforts of the legislature to manage the state penitentiary, erected at Baton Rouge in 1834, were short-lived, and in 1844 the famous lease system, which was general throughout the South following the Civil War, was inaugurated. The state did not definitely reassume responsibility until 1901. The labor of the prisoner and the desire to make the penitentiary self-sustaining and, if possible, financially profitable to the state were the crux of the problem. When the struggle to abandon the lease system was annually renewed in the legislature, the threat that if the state assumed responsibility the institution would require a large annual appropriation always defeated a bill abrogating the lease. Finally, continued criticism regarding cruel treatment, the high mortality rate among the prisoners, and difficulties with the lessees over the state's contract led to the end of the lease system.

Under the management of the Board of Control, a penal farm system on a large scale was instituted. Several plantations covering 14,300 acres, and representing an investment of $409,075, were acquired. On the whole, the condition of the prisoners was materially improved, but owing to floods and a period of unforeseen agricul-

tural depression, the system has been close to bankruptcy. In 1916 the Board of Control was abolished and a manager, responsible only to the governor, was put in charge. As the system is now operated, it includes 2,148 prisoners scattered over two plantations, two road camps, and the hospital and receiving station at Baton Rouge. Such a system naturally provokes many questions especially when compared with some of the more highly developed institutions of other states.

Whether the legislative body makes possible efficient and economical methods of administration of state institutions is an ever increasingly important question. It has been seen that through failure to provide sufficient appropriation for the proper upkeep and repair of buildings, undoubtedly money has been lost to the state. To enact legislation for a new institution, as in the case of the State Industrial School for Girls, and to fail for a period of eight years to provide funds for its erection and maintenance is illustrative of bad business methods quite aside from the question of public policy. Inadequate appropriations for maintenance on a well-defined per capita cost in the long run will prove expensive to the state. Furthermore, failure to provide for an adequate central supervising staff with power to regulate and standardize the work of the state institutions is a short-sighted policy.

Probably at no one point does that problem of modern government, namely, the reconciliation of the political concern with public policy and the need for modern business methods of administration and the increasing requisite technical skill, focus more acutely than in this very question of modern public welfare administration. For the legislature is always faced with limitation of funds and the political exigencies governing such a body. The enormous cost of adequate care of the insane is a serious problem for those responsible for raising the funds, and the concern that the state penitentiary system should not be a burden upon the state is a natural one. Furthermore, what share of the common tasks shall be left to the private agency is a matter of importance to the legislature, and the experience of the state in subsidizing private agencies from 1817 to 1879 has been related.

And, finally, the development of local social services on some co-

ordinated plan is also the responsibility of the state legislature. Louisiana has only to turn to certain other southern states, North Carolina, Georgia, and Alabama, where the problems are not too dissimilar, to view their experiments in state-wide legislation, lifting the old Poor Law provisions to a level where better administration of local public welfare functions is possible, co-ordinating the care of the sick, the aged, dependent and delinquent children, and possibly bringing into play the so-called undifferentiated case work methods adapted to the rural community.

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[1] No series of Louisiana documents, except the statutes, are complete, especially during the Civil War.

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APPENDIX A

THE LAWS OF ADOPTION, LAS SIETE PARTIDAS[1]

QUARTA PARTIDA

TITULO XVI (LAW XVI)

REFERRING TO ADOPTED CHILDREN

Porfijados (adopted children) are children, who in Latin are called *adoptivi,* which men take as sons; although they are not born in wedlock, or in a natural way. Now since in previous chapters we spoke of legitimate children, and of all others which men have naturally; we wish here to speak of those which they acquire by agreement which they make among themselves, according to law or otherwise. And first we will show what this adoption is. And in how many ways it can be accomplished. And who can adopt and whom. And the bond of strength that this adoption has. And for what reasons it can be dissolved.

LAW I

WHAT ADOPTION IS AND IN HOW MANY WAYS IT IS ACCOMPLISHED

Adoptio (adoption) in Latin means as much in Spanish as *porfijamiento* (adoption). And this adoption is a means established by law, by which men may be sons of others, although they are not so naturally. And this may be done in two ways, as is said in the chapter on spiritual affinity, and on adoption because marriages are excluded in the law which begins: "Adoption is a kind of relationship." And because men give sometimes their legitimate children and natural children to others who adopt them, consequently in such an adoption as this it is necessary that he who is adopted should consent; agreeing by word or silently by not showing opposition. But if they adopt some one who has not a father, or if he has one, has freed himself from his authority, then it is perforce fitting that this one should consent manifestly, binding himself by word. And when this adoption takes place, all other things which we said in the chapter on spiritual affinity should be observed, in the laws which speak in regard to this, and the others which we discuss in the laws of this chapter.

LAW II

WHICH MEN CAN ADOPT

Every free man who is out of his father's control can adopt. But he who wishes to do so, should have all these things: he must be eighteen years older than the one whom he wishes to adopt; and he must have the power naturally of

[1] Translated by Miss Gladys Renshaw, Newcomb College, New Orleans.

begetting, having full use of his creative powers, and must not be of so cold a nature as to impede the exercise of such. Moreover no woman has the right to adopt, except in one way; if she has lost some son in battle, in the service of the king; or on his domain in some official capacity. For if for that reason she would wish to adopt another to take the place of the one she lost, she can do so by consent of the king, and in no other way. For if women could do it by themselves, it might happen that men would trick them, and they the men, so that much harm would result.

LAW III

WHAT MEN CAN ADOPT OTHERS EVEN THOUGH THEY CANNOT HAVE CHILDREN

Bad fortune and great danger come sometimes to men so that they lose those powers which are necessary to beget children. As for instance through sickness; or by violence such as cutting, or rendering them impotent by binding or through some other evil inflicted by others; or by other dangers which come to men in many ways; these beings which were naturally made to create, but who were rendered useless by some of the above mentioned reasons, we do not maintain that they should be deprived for that reason, but that they should have the right to adopt, since nature did not impair them, but violence or circumstances.

LAW IV

WHAT MEN CAN BE ADOPTED

According to the Latin, every child who is less than seven years is called an infant; and this being, if he hasn't a father, no one can adopt because his reason is not sufficiently developed to consent. But the child who is more than seven years and less than fourteen, can be adopted by consent of the king, and in no other way. And it is for this reason: that such a child as this who is less than fourteen, and more than seven, hasn't complete understanding, and yet is not totally devoid of understanding. So it is necessary that the adoption of that being take place with the king's consent, that he may see to it that the child is not deceived. However, the king, before granting the privilege of adopting such a child, must investigate all these things; who is the man who wishes to adopt the child, whether he is rich or poor or whether he is his relation, or not; or whether he has children to inherit his property, or whether he is of age to still have them; what his conduct, and his reputation are; and besides he has to investigate what property the child has. And when all this has been investigated, if he feels the one who wishes to adopt the child is motivated to do so by good intentions, and that it would be to the advantage of the child, he has to consent to its being done. But the king, before agreeing to the adoption of these children, has to see to it that they are not impoverished. And his duty is this: that he has to secure such a pledge from the one who adopts, that if the child should die before the age of fourteen, that he give up all his wealth to the one or the ones who should have it by right. That is to say, those who should inherit or have, by law, if the child had not been adopted. And such a security is to be given as a written

agreement to be drawn up by some notary public. And although the king may not ask for this agreement, it is understood that the one who adopts is obliged to comply with it as it is stated above.

LAW V

THAT MEN WHO WERE SLAVES AND ARE FREED CANNOT BE ADOPTED

They call *libertos* (freemen) in Latin all those who are free of servitude to their lords; in this land they are called *forros*. And no one can adopt such a man for this reason: for although a lord free his slave, often there remains in him a natural inclination which smacks authority, and it is this: that the freed man often is bound to obey him, and to honor him, and has to keep from causing him any sorrow; and if he acted contrary to this, he goes back in servitude to his former lord, and therefore no one should adopt him.

LAW VI

THAT NO MAN HAS THE POWER OF ADOPTING A CHILD WHO IS HIS WARD

In Latin a *tutor* is any man who has in wardship some child, and all his property, until he is fourteen years old. And this being cannot adopt such a child: because he could be suspected of doing it with the wrong intention because he would not give an account of his wealth which he had in his keeping; or if he did give it, he would not do it so loyally, nor as well as he should. But as soon as the boy is fifteen years old he can adopt him with permission of the king and not in any other way. And it is in order that the king may protect him from being deceived in such an adoption as this which we have described.

LAW VII

HOW STRONG IS THE ADOPTION AND FOR WHAT REASONS HE WHO ADOPTS MAY RELINQUISH HIS AUTHORITY OVER THE ONE WHOM HE ADOPTS AND CANCEL THE ADOPTION

Any man adopting another who has sons, and who is not under his father's authority so binding is the adoption that the children as well as himself with all their property fall under the authority of the one who adopts; just as if he were his legitimate son; and the adopter cannot release from his power the one whom he adopts unless it were for lawful reason, such as could be proved in court. And this he may do for two reasons. The first is when the one who is adopted commits such an injury as to arouse the anger of the one who adopted him. The other is when such an adopted person as this is established by some other for his heir in his will under this condition, saying thus: I establish John Doe for my heir if he who adopted him will release him from his power. And for either of these two reasons may the adopter release from his power the one whom he had adopted. But it is required that he return to him all the wealth and goods with which he entered into his power.

LAW VIII

HOW MUCH THE ADOPTED CHILD SHOULD HAVE OF THE GOODS OF THE ONE WHO HAS ADOPTED HIM

No one should harmfully or without reason sever his guarandianship toward the one whom he has adopted; neither should he disinherit him. But if anyone acts contrary to this, it is necessary that he give to the one he has adopted all the property which he came with together with all gains made since; deducting the usufruct which he received from the goods and effects of the adopted child while he held him under his authority. And furthermore the adopter is to give the fourth part of all that he may have. And what we say in this law and in the preceding one, is understood to mean that the adoption is done in the manner which is called in Latin *arrogatio;* which means like adoption that it is done with the consent of the king: but it were done in any other manner, called *adoptio,* which means like adoption which is made with the approval of another judge; the adopter may well cancel his obligation to the adopted one, whenever he wishes, with or without reason. And the latter will not inherit anything of the estate of the one who adopted him. And this is because such an adopted son would not inherit the property of the one who adopted him, even if he had not been released from his power, unless the adopter dies without a will.

LAW IX

WHAT THE ADOPTED SON INHERITS OF THE PROPERTY OF THE ADOPTER

In the laws mentioned here we have shown what is the force of adoption which is made by *adoptio.* And we say that if anyone gives his son for adoption, to a man who is not the grandfather of the child, or the great grandfather on his father's side or his mother's side, he who is adopted in this manner, does not fall heir to the wealth of the one who adopts him. But from such an adoption as this the following goes to the adopted son; he will inherit all the wealth of the one who adopted him, if he dies without a will, and hasn't any other children; for if he has them, he will share with them, and will have his share like any others of them. But with all this, it is not meant that he will inherit for this reason of the wealth of the children, nor of the other relatives of the adopter.

LAW X

WHAT RIGHTS HAS THE GRANDCHILD OR THE GREAT GRANDCHILD TO THE POSSESSIONS OF HIS GRANDFATHER, OR OF HIS GREAT GRANDFATHER WHEN HE ADOPTS HIM

Every man who has left his father's authority at his pleasure is said to be emancipated. And if by chance such a man as this gives his son, whom he had under his authority, to his paternal grandfather or grandmother for adoption, this person falls entirely under the authority of him who has adopted him, to enjoy all rights which a legitimate son should have in the property of his father, of whom he was born; also to be brought up in the enjoyment of his wealth as

well as inherit it. And this comes about through two principles of law which are blended in such an adoption as that which is done by *adoptio*. The one proceeds from ties of nature and the relationship which the adopted child bears to the one who adopted him, the other from the establishment of the laws, which gives men the right of adopting. But if the grandfather or the great grandfather should sever his guardianship to the above-mentioned child, he then goes back to the authority of his father.

APPENDIX B

ARCHIVES OF THE SUPERIOR COUNCIL[1]

AUDIENCE OF JANUARY 19, 1743

JANUARY 19TH, 1743, ORDINANCE REGULATING THE PRACTICE OF MEDICINE

On its having been brought to the attention of the Council, by the Attorney General of the King, that many inhabitants of his colony have come to an untimely end through ignorance of several surgeons from merchant vessels coming to this port, who have officiously undertaken to dispense medicines and practice the art of surgery from which great harm has resulted. This fact may be verified by a recent report from the King's physician and surgeon concerning a man's death from wounds, traceable to the ignorance of the person who dressed them; they also reported that several women died in childbed from the ignorance of the midwives who delivered them. To avoid these disorders already noted a decree was issued by the Council in July seventeen hundred and twenty-three which was not enforced through want of firmness.

Therefore it has pleased the Council, in renewing these decrees and rulings, to prohibit that any person in this colony practice medicine or surgery, or exercise the function of midwife without having been previously examined by the physicians and surgeons of the King, and unless they be authorized by them to practice, and be provided with certificates, legalized by the judges of the places under penalty of a fine of three hundred livres, to the benefit of the Hospital for the poor.

After deliberation, the Superior Council has forbidden and does forbid any and all persons in this colony to practice medicine or surgery or to exercise the function of midwife without having been previously examined and authorized to do so by the physicians and surgeons-major of the King maintained in this colony, under penalty of a fine of three hundred livres for the first offense for the benefit of the Hospital for the Poor in this town, to which they will be compelled by bodily arrest, and will be subjected to still heavier penalty in case of relapse. It is moreover ordered that the present decree be read, published and posted wherever need be, so that none may pretend ignorance.

Given in the Council Chamber on the Nineteenth day of January, one thousand seven hundred and forty-three.

Signed: BIENVILLE, SALMON, RAGUET

[1] *Louisiana Historical Quarterly,* III (January–October, 1920), 87–88.

APPENDIX C

INVENTORY OF PROPERTY BELONGING TO CHARITY HOSPITAL[1]

In the city of New Orleans, on the twentieth of March of the year one thousand seven hundred and ninety-four; in pursuant of the disposition by the advice, and foregoing decree, Senor Don Andres Almonester y Roxas, Regidor and Alferez Real, and Colonel of the Voluntary Militia of this place went to the Charity Hospital of Saint Charles of which he is Patron in order to make a transfer of it as it is ordered, and that for himself as Patron he may verify the functions of such, in the terms advised, and being here present Senor Don Gilberto Leonard, Treasurer of the Army, and Royal Treasury, and Administrator ad interim of the said Hospital who put on exhibition all the utensils of the Hospital which were in his charge; and informing the above named Senor Don Andres of the particular use of each of them they were set down for inventory in the following manner.

Thirty-five small cypress bedsteads
Fifty-one old moss mattresses
Thirty small linen pillows
Twenty-three large cross-barred muslin mosquito bars
Ten small mosquito bars made of linen
Sixty new sheets
Six old sheets
Fifteen new linen covers for mattresses
Thirty-five white woolen blankets
Three blankets made of cotton yarn
Two large linen table-cloths
Six aprons for the servants
Fifteen white and blue shirts for men
Six damask table napkins
Three napkins with blue stripes
Twenty-four India linen quilts (counterpanes)
Twenty-four cross-barred table napkins
Forty-eight under vests of various colors
Thirty-four vests of various colors
Nineteen pairs of short trousers of various colors

[1] Attached to documents covering the legal action to take possesion of the administration of Charity Hospital of Saint Charles brought by Senor Don Andres Almonester y Roxas as its patron and founder in the year 1794 (*Spanish Archives of the Cabildo,* New Orleans).

Ten pairs of old long trousers
Eleven coats of various colors
Four cotton curtains
Seven white and blue woolen cloaks
Four skirts
Five small coats or jackets for women
Twenty-one pairs of long trousers of various colors
Twelve tin platters
Six old tin platters
Forty-eight new tin plates
Twelve old tin plates
Seven small tin dishes
Forty-eight new tin spoons
Eleven old tin spoons
Forty-six new tin lanterns
Twenty-three new tin vessels
Four new tin urinals
Ten small coffee pots to give drink to the sick
One old coffee pot
Twenty-four earthenware plates
Nineteen earthenware services (slop jars)
Two stoneware urinals and their handles
One large stoneware dish
One medium sized stoneware dish
Ten new tin lanterns
Twenty-one old tin lanterns
Twelve new tin cuspidors
Thirteen old tin cuspidors
One tin plate lantern with its handle
Three copper portable furnaces or braziers for fire
Twelve iron kettles of different sizes
One pair of irons for the fireplace
One shovel and a pair of iron tongs
One frying pan
Some irons for the chimney
Three large earthen jars
Four small cypress tubs with iron hoops
Three cypress buckets, with their hoops
Two cypress bath tubs
One large foot tub
Four small copper saucepans of various sizes to make medical tea
One copper bell
One pendulum clock
Two iron shovels

Two iron hatchets
Two iron spades
One large cypress ladder to mount to the roof
One small ladder
One iron rack with various hooks to hang meat
Twelve empty bottles
Two plated silver covered dishes
One tin plate funnel
One large tinsel and tin plate street lamp
One copper lamp
Five small jars of honey
Five demijohns, one full of lemon (lime) juice
One barrel of salt
One bell
One iron money box
One font for holy water
One dopper lamp
A chair with its cushion covered with red woolen cloth, and false (imitation) trimming
One low bench with its large carpet
One small bench
One large crucifix with its cross
Three small copper crucifixes
One ivory crucifix
One small cypress table
One altar piece of Saint Charles with a gold frame
Two trimmed India linen curtains
One statue of the Virgin on the altar of the chapel
One large statue of the Virgin on the main altar
Two Virgins of various sizes
One Saint John in a gold frame
One pulpit
One large lamp
One small decorated urn
Twelve silver plated candlesticks
Six large wooden candlesticks
Five flower vases
Three missals
One Ritual Book
One iron key on its gold cord for the tabernacle
One silver ciborium
Two small purple altar cloths
Eight small bars for the pictures of the two altars
Two extinguishers
One old carpet

One silver and tin monstrance
One silver chalice with its patine and small spoon
One small box for holy oils
One silver wash basin with its two cruets
One copper censer with its small case for incense, and its spoon
Two linen albs trimmed with lace
Two linen bands with their silk ribbons
One girdle of white silk ribbon
Four altar cloths trimmed with lace
Two cloths for the altar of the Virgin
Three cloths for the altar
Two linen surplices trimmed with lace
Four linen surplices for the Sacristan
Fourteen small cloths for the service of the chalice
Twelve purificators
Twelve cloths for the hands
Four white linen covers which serve to put over the communion table
Two small white cotton curtains
Two small cloths for the corners of the altar
Two small muslin cloths
Three towels
One white chasuble and one purple with its trimming
One purple and one black chasuble
One red chasuble
Three cassocks one red, and the other two blue
Two old black cassocks which belong to the parish church
One black cloth to put over the coffins of the dead
Two small white and red cushions
Three small bells
Two small tin plate boxes to protect the hosts
Eight copper candlesticks
Two small candlesticks
Three candlesticks for the hall
One large iron mould to make the hosts
One taffeta silk altar apron (cover) for the monument
One large lectern
One cypress wood catafalque for funerals
Two cypress ladders
One piece of thin cord to suspend clothes
Two ropes for cleaning chimneys
Four cypress tables
One walnut table
Two large cypress wardrobes
Two small wardrobes

SLAVES

One negro carpenter named Pedro, aged fifty years
One negro carpenter named Joseph, thirty-five years
Another named Philip, sixty years old
One little negro boy named Andres of fourteen years
Another named Luis of three years
Another little negro boy named Francisco of two and one-half years
One little negro girl named Maria aged eleven
Five lots of ground situated in the city
Two hundred and sixty-three boards for coffins
One thousand small pieces of boards for coffins

With which Senor Treasurer Don Gilberto Leonard having stated there were no other utensils belonging to the said Charity Hospital to inventory this legal proceeding is finished; and Senor Don Andres Almonester y Roxas, Regidor and Alferez Real, Colonel of Militia, and Patron Founder of the said Charity Hospital of Saint Charles, being here present. (Leonard transferred from the inventory all the articles actually existing as we stated.) He (Almonester) declared that no reparation had been offered him in the particular, and for which he was satisfied he had been placed in charge to his entire satisfaction of every thing comprised in the inventory indicated running from page twenty-seven forward, and he grants a formal receipt with formal renunciation of the laws of this case; and signed with the above cited Senor Treasurer, to which I the Escribano certify.

GILBERTO LEONARD

ANDRES ALMONESTER Y ROXAS

Before me

CARLOS XIMENES

NOTE: That dated the 27th of June of 1794 I give testimony (attestation) of this legal proceeding in 34 pages which I delivered in the Secretary's office of this Government. In faith whereof I attest. . . . .

XIMENES

APPENDIX D

ARCHIVES OF THE CABILDO

TRANSACTIONS, MARCH 16, 1811

Before me Notary Public of New Orleans and the undersigned witnesses appeared the Honorable James Mather, Mayor of New Orleans on the one part and Miss Michaela Almonester y Roxas, assisted by Madam Louise Delaronde Widow Castillon, her mother and curatrix, and authorized to the effect of these presents by the act of Legislature "Of this territory entitled Act to authorize the Corporation of New Orleans to come to an agreement with the Patroness of the Charity Hospital of the said City, and for other objects" and authorized moreover by decree of the Parish Court of New Orleans of last February twenty-fifth, rendered in consequence of the advice of parents of the said Michaela Almonester on the other part; who said and declared to us, to wit: On the part of the said Michaela Almonester assisted and authorized, as aforesaid, that considering that the patronage of the Charity Hospital of this City, which she inherited from deceased Don Andres Almonester y Roxas, her father, has ceased to be an honorific title and that the prerogatives attached to it as a just recompense for the considerable expenses made by her deceased father to found this establishment, are in some sort abolished by the changes undergone by the Government of this country; moreover considering that the conflagration of the Charity Hospital and of its Church have entirely altered the condition of things, and that at the point they have reached this day, the Patronage of this Hospital is no longer but a burden which is not counterbalanced by any compensation, even an imaginary one; feeling moreover that for the good of the poor it is suitable that this establishment be intrusted to the public administration, so that it may be taken under its protection, to regenerate and direct it at its will, and that for it is necessary that the appearer renounce the rights assured to her by the foundation charter of the said Hospital granted to her deceased father by the King of Spain in the year one thousand seven hundred and ninety-three:

In consequence, the appearer on the advice and consent of her said mother and curatrix here present and authorized as aforesaid, declared that she will renounce and in fact she does renounce for ever and always, for herself as well as for her heirs and assigns to the patronage of the Charity Hospital of this City and to all rights resulting therefrom, as also to all pretensions generally whatsoever which she and her heirs and assigns may have on the goods affected to the said Hospital by the said charter, consisting principally,

1° In the ground floor of the house occupied by Madam Castillon, her mother, at the corner of the right side of the Parade Ground (Place d'Armes) of this City, and

2° In the materials, iron work and other objects spared by the fire of the Hospital of this City and other goods and effects affected to or belonging to the said Charity Hospital and of this City that it continue to enjoy possession of all the said goods under the administration of the Corporation of this City, and by virtue of this present cession in the same manner in which it enjoyed them under her patronage; the said appearer hereafter to be foreign to the administration of said Hospital as if the character had never existed.

And on the part of the Honorable James Mather in the said quality that by virtue of the preceding act of the Legislature of this Territory and of the authorization given him by the City Council of New Orleans by deliberation of the twenty-third of last month he accepts in the name of the Corporation and of the Charity Hospital of this City, the abandonment above made by the said Miss Michaela Almonester authorized assisted as aforesaid, of the patronage of the said Hospital, acknowledging that from this moment it is in possession of the said goods and effects for which she did charge the said Michaela Almonester; done and passed in New Orleans on March ninth, one thousand eight hundred and eleven and the thirty-fifth of American Independence after reading made the contracting parties have certified the contents of this act and have signed as also the Sieurs Maurice Bourgois Temoin, Pierre Derbigny and Charles Derbigny, planters, residents here present and we the said Notary public of which act

Micaelle Almonester — Jas. Mather Maire
Delaronde ve Castillon — P. Derbigny
Mce Bourgois Temoin — C. Derbigny
Stephen Quinones *Noty. pub.*

Certified as conformable to its original deposited in Registry in my charge to which I refer: and on demand of Mr. the Mayor I deliver this present at New Orleans on the sixteenth of March one thousand eight hundred and eleven, and the thirty-fifth year of American Independence which I have signed, and affixed thereto the seal of my office.

Stephen Quinones
Noty Public

APPENDIX E

ARCHIVES OF THE SUPERIOR COUNCIL[1]

JUNE 14, 1731, ORDINANCE FOR THE ADMINISTRATION OF THE PRISONS

To the Superior Council of this Province:

The Attorney General of the King reports that at the last audience they received the oath of Sieur Vincent qualifying as jailer which he has recorded and filed as required by the ordinance. It is necessary now to fix the sums which he will be entitled to demand as jail fees. The ordinance of 1670, article eleven, book thirteen requires the judges to make rules regarding the allowances to jailer, jail clerks and doorkeepers, for provisions and supplies, lodgings, certificates or discharges. In consideration of the high cost of supplies and of provisions in this colony, it seems that one cannot rely entirely on the practice in other parts of the kingdom where only ten sols are paid for entrance and 10 sols for discharge. Since the King leaves this allowance to be decided by the judges, who take into consideration the time and the place, you therefore can permit the jailer to take forty sols from inhabitants and workmen imprisoned for debts or for civil affairs, to wit: twenty sols for entrance and twenty sols for their discharge; from soldiers, only what they are willing to pay, without allowing that anything be exacted from them under pretext of welcome or otherwise.

There should also be allowed and paid to the said jailer twenty sols for each certificate of entry or discharge he will deliver.

The jailer should also visit the prisoners, at least once a day, he will see that they do not scrape in the cells.

He should not sell at higher price than the market the provisions he will furnish the prisoners, who shall also have free right to have them brought from where they please, which provisions will not be pillaged, nor damaged, but used solely for them.

The jailer must keep two paraphed registers, one for entrances and discharges, and the other for the clothes and papers of prisoners held for crimes.

He will furnish or will have furnished to the prisoners bread, water and straw in good condition.

It is forbidden to furnish tobacco or allow it to be furnished in the prisons by several rulings of the parliament of Paris; he will be careful to carry out the same thing here.

He will report when prisoners are sick in order that they may be cared for.

There, gentlemen, are the principal duties of the jailer who will be responsi-

[1] *Louisiana Historical Quarterly,* III (January–October, 1920), 81–82.

ble by the laws of the prisons for his default or negligence in their observance. May it please you to establish regulation conforming hereto and furnish him promptly with this that he may execute punctually all that will be therein contained. At New Orleans this ninth of June, one thousand seven hundred and thirty-one.

Signed: FLEURIAU

The Council approves the above ordinance.
At New Orleans, June 14, 1731.
Signed: PERIER, MACMAHON, BRUSLE, D'AUREVILLE

APPENDIX F

WARRANT[1]

If the Judge determines that said person is insane, he shall make the following order or warrant:

STATE OF LOUISIANA,

Parish or City of . . . . to the Sheriff of the Parish of . . . . La., and to the Superintendent of the . . . . State Hospital—Greeting:

Whereas, I, ... Judge of the said Parish of . . . . La., and two physicians, constituting a commission of inquiry, et cetera, into the sanity of said . . . . have this day adjudged the said . . . . to be insane and a suitable subject for a hospital for the care and treatment of insane persons, and a citizen of this state; I do, in the name of the said state, command you, the said sheriff, to deliver the said . . . . together with this warrant, to the Superintendent of the . . . . Hospital for the Insane at . . . . La., that having a vacancy and being the nearest appropriate hospital, or to the duly authorized agent of said hospital, to be delivered by him to said Superintendent. And you, the said Superintendent, with a vacancy, are hereby required to receive into said hospital, and into your care and charge, the said . . . . to be treated and cared for as an insane person.

And I do herewith transmit to you, the said Superintendent, the interrogatories and answers thereto, taken by the coroner touching the sanity of the said . . . . a copy of which has this day . . . . been delivered by me to the Clerk of Court of said Parish of . . . .

Given under my hand this . . . . day of . . . . nineteen hundred and . . . .

QUESTIONNAIRE

The Coroner shall ascertain all the necessary facts to enable him to answer properly the questions embodied in the following form of certificate, to wit:
State of Louisiana, Parish of . . . .

The Coroner certifies as follows in answer to the following interrogations:
Name of patient? . . . . Age? . . . . Where born? . . . . Present residence? . . . . How long lived in present place of residence? . . . . Place of residence for past two years . . . . If of foreign birth, how long a resident of the United States? . . . . Port of landing? . . . . Date of landing? . . . . Name of ship? . . . . Birthplace of father? . . . . Birthplace of mother? . . . . Present occupation of patient? . . . . Former occupation? . . . . Education, liberal? . . . . Good? . . . . Professional? . . . . Read? . . . . Write? . . . . Civil con-

[1] *Louisiana Laws* (1918), p. 100.

dition, married? . . . . Single? . . . . Widowed? . . . . Divorced? . . . . Number of children, had, if a female? . . . . Age of youngest child, if the patient is a female? . . . . Name and address of guardian? . . . . Nearest friend or relative? . . . . Relation of same to patient? . . . . Nearest telegraph and railroad station, or steamboat landing to said friend or relative? . . . . Value of property of self or husband? . . . . Of parents, if the patient is minor? . . . . Is the patient addicted to the intemperate use of intoxicating liquors, tobacco, morphine, cocaine, or other injurious drugs? . . . . If so, to what extent? . . . . Is the patient addicted to any injurious, improper or immoral habits? . . . . If so, to what extent? . . . . State fully and in detail any physical symptoms, injury or disease from which the patient is at present suffering. Is the patient affected by paralysis? . . . . Dropsy? . . . . Blindness? . . . . Deafness? . . . . Dumbness? . . . . Incontinence of urine or feces? . . . . Hysteria? . . . . Emaciation? . . . . Insomnia? . . . . Cancer? . . . . Tuberculosis? . . . . Pellagra? . . . . Hernia? . . . . Epilepsy? . . . . Uteric or pelvic disorders or pregnancy? . . . . Is the patient now sick in bed? . . . . Does the patient spit blood? . . . . Does the patient have night sweats? . . . . Is the patient now suffering from acute or chronic alcoholism or delirium tremens? . . . . When did the present attack of insanity begin? . . . . What were the first symptoms? . . . . Were the symptoms gradual or rapid in onset? . . . . State fully the present symptoms of insanity, particularly whether the patient is violent? . . . . Homicidal? . . . . Suicidal? . . . . If homicide or suicide has been attempted or threatened, state when and in what manner. . . . . Does the patient talk to himself? . . . . Assume peculiar attitudes? . . . . Hear voices? . . . . Believe he is being persecuted? . . . . State in what manner. . . . . State any changes that have occurred in the condition of mind or body of the patient since the onset of the present attack of insanity. . . . . Has any restraint or confinement been imposed on the patient, the nature and duration? . . . . Is the patient now in jail? . . . . If not, state in whose custody said patient is, giving name, post-office and telegraph address, distance from telegraph office and railroad station. . . . . If there have been any attacks of insanity previous to the present one, when did they occur? . . . . Give the duration, symptoms and character of each. . . . . State the length of intervals between the attacks. . . . . Was the patient entirely sane and rational between attacks? . . . . If the patient has ever been an inmate of any hospital or other place of detention and treatment for the insane, state when, where and whether he was discharged or recovered or otherwise. . . . . If any of the patient's family or near relatives are or have been insane, mentally defective, epileptic, neurotic, alcoholic, tuberculous, et cetera, state the fact. . . . . The degree of consanguinity? . . . . Whether maternal or paternal? . . . . What, in the opinion of the examining physicians, are the causes of the patient's insanity? . . . . The predisposing causes? . . . . Name and address of physician who last attended patient. . . . . What treatment has been given? . . . . With what effect? . . . . Is the patient normally below or above the average standard of

intelligence? . . . . Is the patient a congenital idiot or imbecile? . . . . Can the patient count ten? . . . . Could the patient ever read? . . . . Write? . . . . Can he speak English? . . . . Describe the appearance, manner and all insane acts and speech of the patient during examination. . . . . State fully anything else bearing on the case as indicating insanity. . . . .

Coroner of . . . . Parish

APPENDIX G

LETTER FROM THE SHERIFF OF ORLEANS

November 20, 1820(?)

To the Honorable Judge & Police Jury of the Parish of Orleans

Gentlemen: I have the honor to state that the number of prisoners in the Parish Gaol has been for sometime past 156, a far greater number than ever was in it before; which is now a subject of serious concern, as we may expect very soon to have malignant fevers in the City, from the excessive heat of the weather, and the prisoners must certainly be victims to whatever disease prevails owing to their crowded habitation. Fifty being kept in four close dungeons, so small as to make it extraordinary how they can exist during these hot nights. The others are confined in small rooms containing from 7 to 14 persons each. During the day they have little or no means of exercise or enjoying fresh air, the prisonyard not being more than thirty feet square; in which is a cooking establishment and a privy. This inconvenience ought to & can be remedied; as a vacant land adjoining may be had of the City.

You will please to remember also that this prison was built by the Spaniards, at least thirty years ago, who never had under their Administration of the laws half so many prisoners in it, especially for Debt and seldom one respectable person, whereas at present there are a number and sometimes our first merchants & planters occupy this narrow and inconvenient place of confinement and it would I think require no additional proof, that an improvement should be made immediately, than to state, that no enlargement of the prison has been made since its first erection. One among other means of relief would be to take a house near the Gaol for the confinement of the Debtors.

It is proper also to observe that the prison is in absolute want of immediate repairs to wit, the pavement of the yard, the roof, in which there are large openings, from the tile being displaced; the pump, the Dungeon and other rooms.— and air should be admitted into the dungeons which I am authorized by an Engineer of great respectability to say may be afforded with safety.

This is the opinion of H. B. Latrobe Esq who has offered to carry abundance of pure water from the river into the prison at an expense of about fifty dollars; and not doubting of receiving the sanction of your honor and the hon^{ble} Police jury, I have ventured to request him to effect this purpose.

Four prisoners made their escape on the night of the 13th Inst and it is fair to suppose that nothing but their horrid close confinement induced them to expose themselves, as they did in escaping immediately under the eyes of the City Guard.

For the better information of yourself and the hon^{ble} body over which you

preside, as to the health of the Prison, I take the liberty of inclosing a copy of a letter from Doctor R. Davidson, State Physician for the prison, whom I requested to examine and report on the state of the prison generally.

I am with great respect
Gentlemen
Your Obdt Servt

(Signed) G. W. Morgan
Sheriff

APPENDIX H

PETITION FROM THE ATTORNEY GENERAL, 1800[1]

JANUARY 24, 1800: PETITION FROM THE ATTORNEY GENERAL SETTING FORTH THE PRECAUTIONS TO TAKE TO PREVENT THE RAVAGES OF YELLOW FEVER

VERY ILLUSTRIOUS MAGISTRATES:

Don Pedro Dulcidio Barran, Attorney General for the public of this city, will explain to Your Excellencies, with due respect; that the adjoining neighborhood is frightened by the destructive ravages experienced in this Capital by the lamentable epidemic that prevailed last summer, fearing its repetition in the future and wishing to prevent such deplorable harm by the most efficacious means, the petitioner prays Your Excellencies that it will please you to employ every means that will be necessary for this purpose, imploring the help of the Government and Administration for it so as to prevent, as much as possible, or at least to lessen the horrors of a calamity that with reason frightens all homes.

Another object that merits the most serious consideration, principally in countries so low and swampy as this is, are the cemeteries which if neglected and the necessary precautions are not taken become the source of the most dangerous sicknesses. Here with greater cause than any other they should be situated the farthest distance possible from the town in places that are the least damp and as far away as can be from the swampy places in which they are now situated and the small spaces that enclose them. These are sufficient causes alone to infect the city, because of frequent burials especially in times of great heat, even though laying aside the pestilent exhalations of the dead bodies buried in the surface of the earth that remain there to cause injury to health. The vapors from the excavations in the muddy ground that is so near the city spreads over it immediately. If this point is examined with all the reflection that it demands it will cause wonder that greater evils have not been experienced than those suffered up to now. Henceforth it will be a warning that must be feared in the case the precautionary remedy should be omitted against such imminent danger. For the full benefit of such an important end it will be necessary to surround the cemeteries with the same trees already mentioned that will intercept the said exhalations and vapors preserving the city from one and the other. The petitioner omits, as it is too well known, how this matter, in our times, has occupied the attention of the most cultured nations, municipal bodies, and magistracies.

[1] Translated by Miss Josie Cerf, Louisiana State Museum.

It is also necessary for the preservation of the human race that a place be marked out and enclosed at a distance from this Capital for the burial of those persons who have the misfortune to die in other beliefs than that of Our Holy Catholic Religion, because those places where they are usually interred are not only too near the town, but are opened and exposed so as to become more easily the food for birds and carnivorous beasts as the burial trenches have not the necessary depth. From all these defects the gravest inconveniences arise prejudicial to health. Another thing that also contributes to it is that generally they do not prepare the coffins with a quantity of lime sufficient for the consumption of the bodies and that upon opening the graves again for other burials a pernicious exhalation proceeds that spreads about. For this reason it will be very opportune that in place of conveying and burying the bodies in the said coffins which by the quality of wood that is used for them here, preserve the human fragments for a long time, they should make coffins, boxes or cases to carry the dead burying them simply shrouded in these in such a way that the consumption of their bodies will be most quickly accomplished. The saving of the costs of the coffin will be obtained, burdensome to many poor families who in place of these expenses will have to pay only a moderate price for the said coffins, in proportion to the greater or lesser decency of these as is generally in practice in nearly all of Spain.

The petitioner can not leave without presenting also to the consideration of Your Excellencies another point of less importance and analogous to the same essentialism that must be treated, namely, no one is ignorant of the fact that epidemic diseases are transported, or brought from most distant countries by means of navigators and merchandise (principally by woolen goods) in which miasmas, or putrid atoms, or infections are preserved for a long time and at disembarkment in another climate spread about in the air and propagate, producing disastrous results. Fundamental reasons to suspect that this may be another one of the causes of the evils mentioned that have afflicted us so much. Prudence counsels us that to prevent this in the future we must take opportune measures at once. The petitioner thinks that the best method would be to establish in some place on the lower river a kind of hospital or lodging with a certain number of rooms to receive the sick of each ship that might have them on board, coming up here for the city. In this place a surgeon should be assigned, who besides attending to the matters of his profession in this said hospital will have the duty of going on board of all the ships entering, paying a visit of sanitation, as is customary in all Ports and will be empowered to detain not only as many persons as are recognized as having a touch of some contagious disease, but also the ships in which these infected persons have been found until its quarantine is completed, taking the rest of the ordinary precautions to preserve public health such as the unloading of whatever cargo that comes from countries where epidemics prevail. The bales, boxes and chests must be aired and purified by means of the sun and air. The merchandise and above all the woolen textures will be permitted entry after this is done provided they bear the necessary cer-

tification from the forenamed surgeon. It is for sanitation that the required preventatives must be taken and without them no ship must be permitted access to this port under penalty of a considerable fine to any Captain who lacks the said formalities.

The petitioner knows that for the execution of all that has been presented it will be absolutely necessary to obtain the help of this Superior Government and Administration, particularly with regard to the establishment for sanitation mentioned where it will be necessary to have a detachment of troops stationed with some Minister of Security (Customhouse officer) of Royal Revenues to avoid frauds in case of a provisional unloading of the ships is required. I repeat to Your Excellencies the plea to implore the said help of the respective Heads sending to the said gentlemen copies of this presentation for the purpose of informing them by it of the points that actuate the Attorney General also interested in public welfare that for the better service of both Majesties, it may please you to be inclined to the accomplishment of this benefit with the zeal and activity that manifestly characterizes the said Heads, the petitioner not doubting that it will be favored and enforced with all the accustomed efficacy accredited to the patriotism of Your Lordships to calm the anxiety and anguish of the public. New Orleans, January 24, 1800.

(signed) P. D. Barran

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